

**Kentucky
Department for
Environmental Protection**

**ENVIRONMENTAL
PERMITTING PROGRAMS
SUMMARY**



Updated March 1, 2005

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DEPARTMENT FOR ENVIRONMENTAL PROTECTION

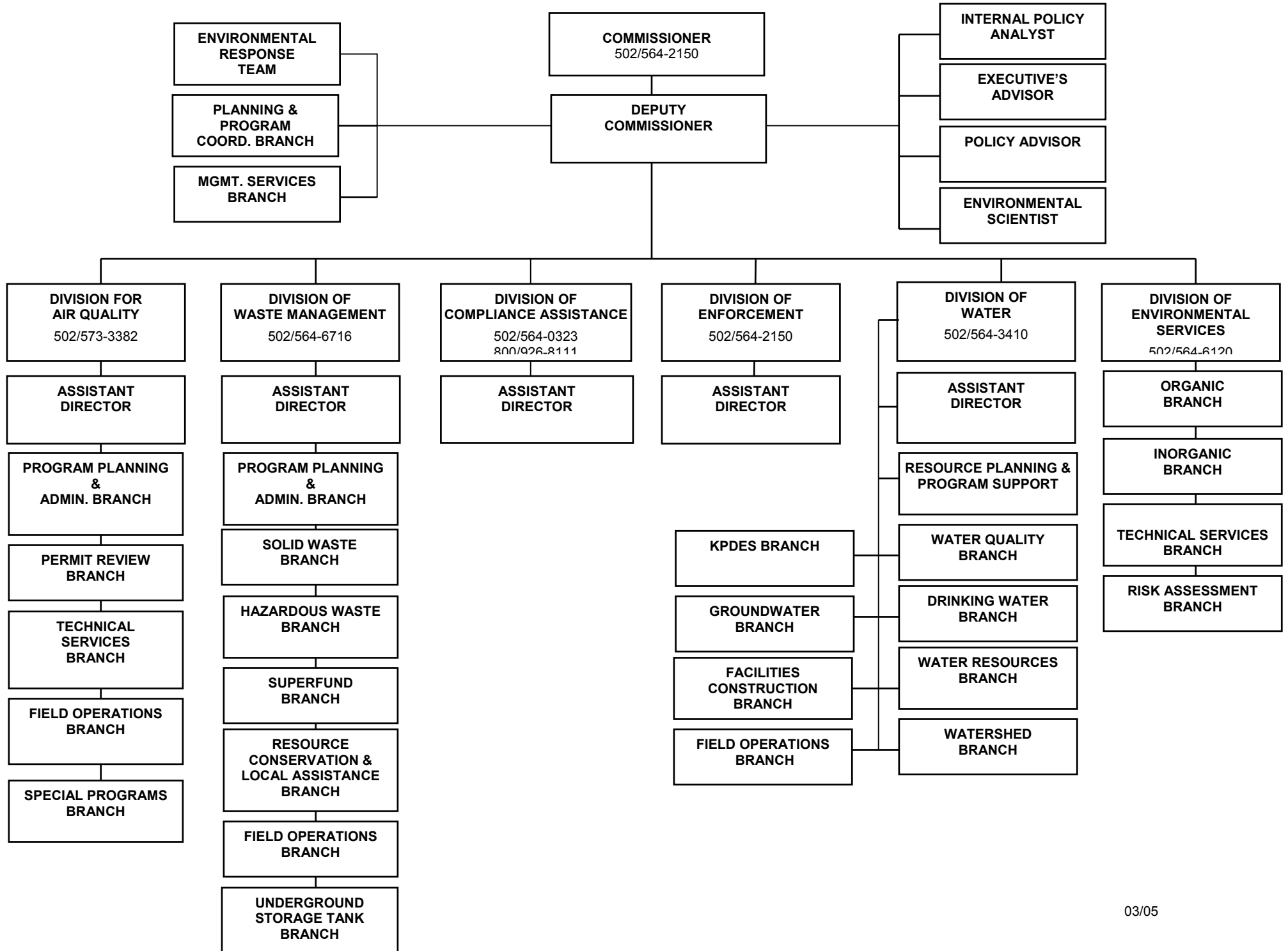


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INTRODUCTION

The Environmental and Public Protection Cabinet is responsible for the protection and preservation of Kentucky's land, air, and water resources. Created originally to conserve, maintain, and preserve our land and water resources, the Cabinet is the chief agency also responsible for the prevention, abatement, and control of all water, land, and air pollution and the reclamation of lands adversely affected by surface and underground mining. Each department is charged with specific responsibilities to carry out the Cabinet's various programs.

This document focuses on the permitting programs administered by the Department for Environmental Protection. The Department's permitting system allows for the control of air emissions, water withdrawals and discharges, and management of wastes in such a way as to protect the public and our environment. Information on the Department's permit requirements and application procedures are contained in this document and are updated yearly. Additional information or detailed instructions on applying for the environmental permits issued by this agency may be obtained from:

Department for Environmental Protection

Division of Compliance Assistance

Jeff Pratt

14 Reilly Road

Frankfort, Kentucky 40601

Telephone: (502) 564-0320 or (800) 926-8111

Fax: (502) 564-9720

This document is online at the Department for Environmental Protection home page <http://www.dep.ky.gov> under Permitting Programs.

DEPARTMENT FOR ENVIRONMENTAL PROTECTION'S PERMIT COORDINATION PROCESS

For assistance in obtaining necessary state-level environmental permits and to improve coordination of the Department for Environmental Protection's permitting processes for projects requiring multiple permits, contact Jeff Pratt at (502) 564-0323 or (800) 926-8111.

The permits coordinator can provide the following:

- 1 Serve as a central contact for applicants to obtain permit application information including permit application forms and how to obtain copies of current regulations;
- 2 Assist in identifying, based on information supplied by the applicant, all Department permit and registration requirements and outlines the probable steps and times involved to secure the permits;
- 3 Coordinate pre-application conferences between the applicant and the Department; and,
- 4 Provide for Department coordination during the permit application review process and can respond to applicant inquiries concerning the Department review process.

These services will not eliminate or modify any requirement set out by Kentucky statutes or regulations but will aid the applicant at the initial stages of project planning by identifying all Department permits, registrations, or approvals that could be required for a project. This process provides the applicant and other individuals a central contact point for Department information and thus a better understanding of the state's environmental permitting processes. A considerable amount of time and correspondence formerly needed between the applicant and the Department has now been eliminated by this coordination process.

DOCUMENT OVERVIEW AND PERMIT CHECKLIST

The Department for Environmental Protection is responsible for maintaining the quality of Kentucky's land, air, and water resources and public and semi-public drinking water supplies. To accomplish this task, the Department regulates sources of air and water pollution; public and semi-public water treatment facilities, sewage treatment plants, and the management of hazardous and non-hazardous waste. These responsibilities are carried out by three divisions of the Department - Division for Air Quality, Division of Waste Management, and Division of Water.

This document contains detailed information concerning all Department permits, registrations, and approvals. Information on programs that do not involve permitting can be obtained by contacting the Department.

Each permit (registration or approval) is discussed in the following standard format:

- A Legal Authority:** The statute or regulation authorizing the issuance of the permit is identified. Included are the appropriate sections of Kentucky law from *Kentucky Revised Statutes (KRS)* and the appropriate citations from the *Kentucky Administrative Regulations (KAR)*.
- B Permit, Registration, Approval, or Certification Requirements:** Under what conditions the permit is required.
- C Time Limits:** For a majority of the permits, time limits for permit application processing are set by regulation or statute. If there is no time limit set, applications will be processed within various time frames depending on each division's workload.
- D Fees:** The fee charged for the permit.
- E Forms:** The Department form number, when applicable, and application title are provided.
- F Procedures:** Procedures for applying for the permit are described, including the time interval for public notification if required.
- G Permit, Registration, Approval, or Certification Duration:** The effective term of the permit.

A listing of all Department permits (registrations and approvals) described in this document is contained on the following pages. This checklist serves as the first step in identifying the environmental permits that may be required for a proposed facility. Once the permit is identified, the applicant should refer to the appropriate section in this document for detailed information (see Table of Contents for page number).

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION
CHECKLIST FOR ENVIRONMENTAL PERMITS**

DIVISION REQUIRING PERMIT	NAME OF PERMIT (Registration or Approval)	REQUIREMENTS	STATUTORY/ REGULATORY REVIEW TIME
Division for Air Quality	1. Air Permit	Construction/operation of an air contaminant source and its air pollution control equipment.	Major Source Permits (401 KAR 52:020) - 255 days; Federally-enforceable Permits for Non-major Sources (401 KAR 52:030) - 210 days; State-origin Minor Source Permits (52:040) - 120 days 365 Days
	2. Notification to Remove Asbestos	Asbestos removal activities subject to 401 KAR 57:011.	10 days prior to removal
	3. Gasoline Tank Truck Certification	Certification for the control of volatile organic compound emissions from leaks from gasoline tank trucks.	30 days
Division of Waste Management	1. Solid Waste Landfill Permit Contained Landfill Construction/Demolition Debris Landfill Residual Landfill	Construction and operation of a solid waste disposal facility for disposal of non-hazardous waste, also household hazardous waste and limited quantity generator hazardous waste for contained landfill.	285 days
	2. Land Farming Permit	Operation of a land farming facility for sludge application to agricultural land.	480 days
	3. Registered Permit-By-Rule	Required for a limited type number of solid and special waste facilities-See 401 KAR 47:080, Section 2(6).	195 days
	4. Solid and Special Waste Emergency Permit	For short-term storage or disposal of a solid or special waste generated from an emergency such as a storm or flood.	0 days (verbal) 285 (written follow-up).
	5. Solid Waste Research, Development, and Demonstration Permit	For demonstration projects of new or unproven technology.	285 days
	6. Hazardous Waste Generator Registration	Production of more than 100 kilograms of non-acute or 1 kilogram of acutely hazardous waste per month.	None
	7. Hazardous Waste Transporter Registration	Transportation of hazardous waste within the Commonwealth of Kentucky.	None
	8. Hazardous Waste Recycler Registration	Recycling hazardous wastes.	None

DIVISION REQUIRING PERMIT	NAME OF PERMIT (Registration or Approval)	REQUIREMENTS	STATUTORY/REGULATORY REVIEW TIME
	9. Hazardous Waste Facility Permit Storage Treatment Disposal	Construction and operation of a facility for the storage of hazardous waste or storage by a hazardous waste generator for more than 90 days, for the treatment of hazardous waste, or for the disposal of hazardous waste. For post-closure care and monitoring of hazardous waste disposal facilities.	45 days – Part A and 180 days – Part B for storage in containers or 365– Part B for storage in land based units
	10. Hazardous Waste Emergency Permit	Temporary treatment, storage, or disposal of hazardous waste in an emergency.	None
	11. Hazardous Waste Research, Development, and Demonstration Permit	Hazardous waste treatment facility engaged in experimental activities.	365 days
	12. Used Oil Registration	Recycling of more than 5,000 gallons, transporting more than 500 gallons, or storing more than 10,000 gallons of used oil annually.	None
	13. Underground Storage Tank Notification and Permanent Closure	Installation, permanent closure, or existence of an underground storage tank.	None
	14. Underground Storage Tank Corrective Action Plans	Submittal of proposed corrective action technologies to treat contaminated soil and/or groundwater at regulated UST facilities.	90 Days
	15. Underground storage Tank Claims	Request for reimbursement for corrective action activities to treat contaminated soil and/or groundwater at regulated petroleum UST facilities.	90 Days
Division of Water	1. Wastewater Facility Construction Permit	Construction or modification of any facility for the treatment of wastewater. (Not required for industrial wastewater treatment plants.)	180 days (coordinated with issuance of KPDES permit), 45 days if modification or issuance of KPDES permit is not required
	2. Kentucky Pollutant Discharge Elimination System (KPDES) Permit	Discharge of pollutants from any point source into waters of the Commonwealth.	180 Days
	3. KPDES Storm water Discharge Permit- Construction and Operating Activities	Discharge of storm water from point sources into waters of the Commonwealth.	180 days – Individual 48 hours (prior to start of activity) - General
	4. No Discharge Operational Permit	Operation of a closed circuit, subsurface injection, or land application wastewater system.	None

DIVISION REQUIRING PERMIT	NAME OF PERMIT (Registration or Approval)	REQUIREMENTS	STATUTORY/REGULATORY REVIEW TIME
	5. Kentucky Inter-Municipal Operational Permit	Operation of a publicly owned sewer system with 5,000 linear feet or more of sewer line that discharges to a sewer system or wastewater treatment plant owned by another system.	None
	6. Floodplain Construction Permit	Construction in, along, or across the floodplain of any stream in the Commonwealth except those included in surface mining permits.	20 Working Days
	7. Dam Construction Permit	Construction of a dam in excess of 25 feet tall or 50 acre-feet of storage except those included in surface coal mining permits.	20 Working Days
	8. Wild Rivers Permit Utility Right-of-Way Construction Permit Change-of-Use Permit	Construction of a transmission line or pipeline right-of-way within any portion of a wild river corridor.	60 days – right-of –way 120 days – change-of-use
	9. Water Withdrawal Permit	Withdrawal or diversion of more than 10,000 gallons per day of water from a surface or sub-surface source.	90 Days
	10. Oil and Gas Facilities Oil and Gas Facility Registration Holding Pit Construction Permit Produced Water Transport Approval	Facilities that cause or are capable of causing produced water. Construction of a produced water holding pit. Transportation of produced water away from a facility where it is produced.	None
	11. Approval of Municipal Pretreatment Program	Municipalities that have significant industrial users discharging wastewater into the municipal system.	90 days
	12. Approvals Approval to Construct Public Water Supply Facilities Approval to Impound Approval to Construct or Modify Sewer Lines, Pump Stations, or Force Mains Section 401 Water Quality Certification	Construction of public water supply facilities. Impounding water behind a dam. Sewer line extensions to publicly owned treatment works or private plants, or modification of existing facilities. Any discharge into the waters of the Commonwealth associated with any federally licensed or permitted activity.	45 days

Updated 2/17/05

DIVISION FOR AIR QUALITY

The Division for Air Quality is primarily responsible for enforcing state and federal air quality standards in Kentucky with the goal of protecting public health and welfare. Sources in the Louisville area are regulated by the Louisville Metro Air Pollution Control District.

The Division controls, by regulation, the amount of air pollutants that may be released into the air by industry sources. The major air pollutants controlled are carbon monoxide, sulfur dioxide, nitrogen oxides, particulates, Volatile Organic Compounds (VOCs), and Hazardous Air Pollutants (HAPs). The Division ensures through permitting requirements that the construction, modification, and operation of air pollution sources in Kentucky are consistent with these air pollution regulations.

Companies that may release pollutants into the air that are subject to the permitting requirements contained in 401 KAR Chapter 52 must file a permit application and obtain a permit prior to commencing construction. Air contaminant sources that qualify for permitting exemptions contained in 401 KAR 52:070 are required to be registered with the Division if their potential emission rate is greater than 2 tons but less than 10 tons per year of an individual HAP, greater than 5 tons but less than 10 tons per year combined HAPs, or greater than 10 tons but less than 100 tons per year of a pollutant subject to an applicable requirement that clearly specifies the method of compliance or for which there is no applicable requirement and sources that emit less than the above cutoffs but are subject to an applicable requirement in 40 CFR Parts 60, 61, or 63.

The division's permitting program is tiered based on a source's potential to emit an air pollutant. Of further consideration other than size of facility is its location. Certain counties of the state do not meet the federal standards for air quality. These standards are referred to as the National Ambient Air Quality Standards (NAAQS). There are NAAQS for sulfur dioxide, nitrogen dioxide, ozone, carbon monoxide, particulates, and lead. Areas that meet these standards are called "attainment areas"; conversely, if an area does not meet a NAAQS, it is called a "non-attainment area." These designations are pollutant specific. Permitting requirements differ depending on the county's classification. Since county classifications may change depending on air quality levels, a company that is contemplating locating in a certain area should contact the division to determine the area's current classification.

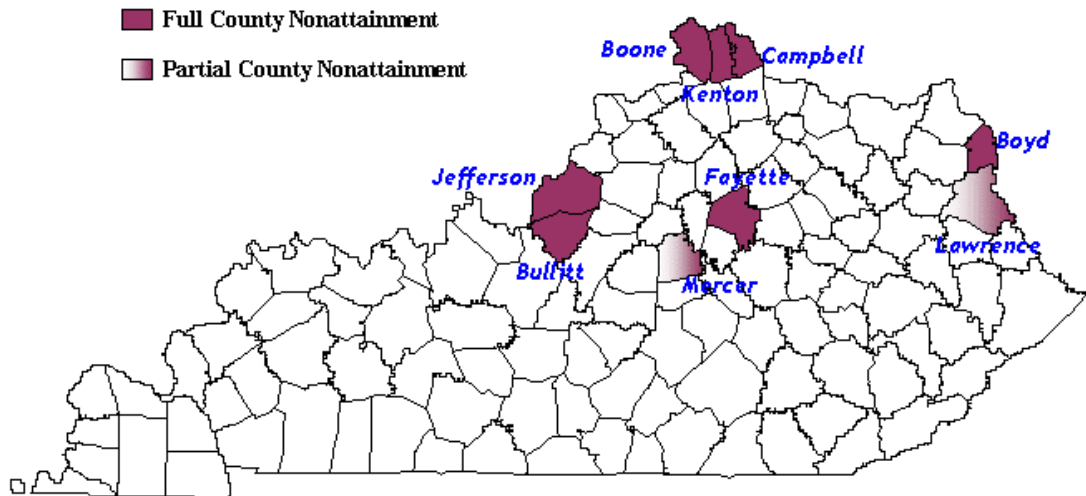
Sources that locate in an area that meets all of the NAAQS and are sufficiently large (100 tons or in some cases 250 tons/year) must meet the requirements of 401 KAR 51:017, Prevention of significant deterioration of air quality. For sources that desire to locate in a non-attainment area and depending upon the pollutants being emitted, the source may be required to meet the more stringent requirements of 401 KAR 51:052, Review of new sources in or impacting upon nonattainment areas.

The Division does not issue asbestos permits but does require prior written notification for demolition and asbestos removal. The Division certifies asbestos professionals in various disciplines and inspects asbestos abatement projects.

EPA's PM_{2.5} Nonattainment Designations

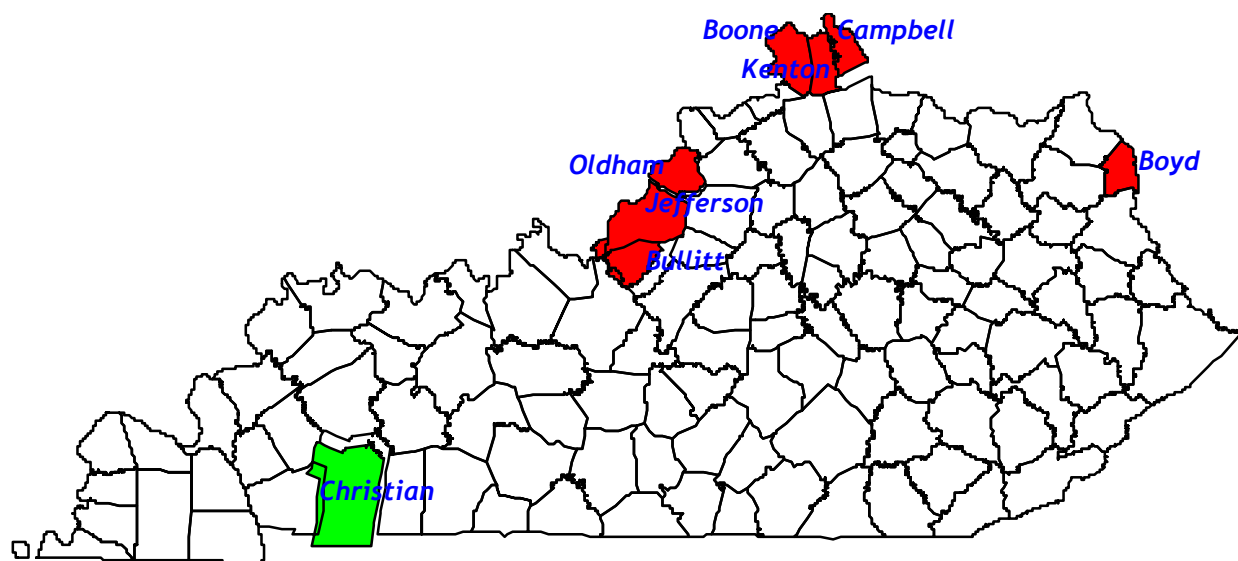
Announced December 17, 2004

Based on 2001-2003 Monitoring Data



8-Hour Ozone Nonattainment Counties

Christian County is in the process
of being redesignated to attainment.



PERMITS ISSUED BY THE DIVISION FOR AIR QUALITY

All air contaminant sources except those located in Jefferson County are required to have a permit from the Kentucky Division for Air Quality unless exempted because their emission levels are low enough to be considered insignificant. Permits are processed by the Permit Review Branch.

Separate from the permitting program, the Division has an Asbestos Abatement Program which is further discussed in Section II. This program requires notification rather than formal permits for asbestos activities.

I. AIR QUALITY PERMIT

A **Legal Authority:** Kentucky Revised Statutes (KRS) 224.10-100 and 224.20-110 and 401 Kentucky Administrative Regulation (KAR) 50:017, 51:052, 52:020, 52:030, 52:040.

B **Permit Requirements:** Application submittal and processing for issuance of permits to sources depends primarily upon under which regulation the permit is issued, which, in turn, is based on source category.

1. Source Category

- a *Major sources* are issued permits pursuant to 401 KAR 52:020, Title V permits. These are sources that have a potential to emit 100 tons or more per year of a regulated air pollutant, 10 tons or more per year of a hazardous air pollutant, or 25 tons or more per year of a combination of hazardous air pollutants. New major sources and existing major-sources applying for a significant permit revision may begin construction only after a proposed permit has been issued.
- b *Synthetic minor sources* are also issued permits pursuant to 401 KAR 52:020. These are sources that would be major and subject to PSD or non-attainment area regulations except for voluntary operating restrictions that limit the operation so that neither regulation applies. New synthetic minor sources may begin construction only after a proposed permit has been issued.
- c *Conditional major sources* are issued permits pursuant to 401 KAR 52:030, Federally-enforceable permits for non-major sources. These are the sources that would be major under Title V except for voluntary operating restrictions that cause the source to be minor. New conditional major sources may begin construction with the issuance of a draft permit. Existing conditional major

sources are required to have an enforceable permit and shall operate and comply with those terms and conditions, i.e. they may not begin construction, until a final permit is issued.

- d *Minor sources* are issued permits pursuant to 401 KAR 52:040. These are sources that emit more than twenty-five (25) and less than 100 tons per year of a non-hazardous regulated air pollutant and less than 10 tons per year of a HAP and less than twenty-five (25) tons per year of combined HAPS. Minor sources, both new and existing, must have a final permit prior to commencing construction.

C **Time Limits:**

401 KAR 52:020 – 255 days

401 KAR 52:030 – 210 days

401 KAR 52:040 – 120 days

D **Fees:** There is not air permit application fee or permit issuance fee.

By federal law, the Title V program must be financed entirely through fees collected from air pollution sources. The emission fees must pay all costs of administering the permit program, including permit issuance, air monitoring and inspections.

The state has general emission fee authority to fund various aspects of its air pollution control program. Sources with actual emissions of less than 25 tons of pollutants (sulfur dioxide, nitrogen dioxide, volatile organic compounds and PM₁₀, particulate matter under 10 microns in diameter) per year pay a flat \$150 annual fee. Larger sources are required to pay a per-ton fee.

E **Forms:**

DEP Form 7007 Series

F **Procedures:** After the permit application is submitted, the *Division* must make a completeness determination within 60 days although the division may request additional information at any time during the permitting process. The permit review process after that step depends on whether a source is new or existing and whether the source is major or minor.

1 State origin permits for new sources (401 KAR 52:040):

There is no public notice requirement at this time. There is no requirement for review by the U.S. EPA or other affected states. The issuance of a final state-origin permit to a new source authorizes the permittee to begin construction and also authorizes the source to operate following start-up and demonstration of compliance with applicable

requirements.

2. Federally enforceable permits for non-major new sources (401 KAR 52:030):

The processing of applications includes a public, US EPA, and affected-states notice and the opportunity for a public hearing. The draft permit is the version of the permit that is advertised for comments from the public and affected-states and is the permit presented for comment at the public hearing.

This draft permit authorizes the start of construction for major sources that do not require pre-construction approval by EPA. Construction authorization provided by this federally enforceable permit may occur with the issuance of the draft permit.

The final permit is the version that incorporates comments from affected states and the public following a public comment period and/or a public hearing. If no substantial changes result from the public comment period, a final federally enforceable permit is issued that also authorizes operation following start-up and successful compliance demonstration. If substantial changes are required as a result of the public comment period, a new draft permit and public comment period are required.

3 Federally enforceable (Title V) permits for major sources (401 KAR 52:020):

The processing of applications includes a public, U.S. EPA, and affected-states notice and the opportunity for a public hearing. The draft permit is the version of the permit that is advertised for comments from the public, EPA, and affected-states and is the version presented and the public hearing. At the conclusion of the public comment period, the proposed permit is prepared which incorporates or responds to issues raised during the public comment period. The proposed permit is submitted to U.S. EPA for their 45 day review. If U.S. EPA has no objections, the proposed permit becomes the final permit. U.S. EPA may also revoke, revise, or reissue a Title V permit following any changes required by EPA, a final federally enforceable permit is issued that also authorizes operation following start-up and successful compliance demonstration. Construction is, however, authorize with the issuance of the proposed permit.

- G. **Permit Duration:** State original permit have a duration of 10 years. Title V and Federally enforceable permits for non-major sources have a five year duration, except for municipal waste incinerator permits. All permit types must be renewed prior to expiration with the renewal application due six months prior to permit

expiration. Municipal waste incinerator permits will remain in effect for 12 years and be reviewed by the Division at least every five years.

II. ASBESTOS REQUIREMENTS

Notification: Demolitions and Removals

A **Legal Authority:** KRS 224.10-100 and 401 KAR 58:025.

B **Permit Requirements:** Prior notification on Form 7036 must be submitted to the Division for asbestos demolitions and removals in all counties with the exception of Jefferson County.

Structures to be demolished or renovated must, in most cases, be surveyed for asbestos by accredited asbestos inspectors. This includes most industrial, commercial, manufacturing, and institutional facilities' asbestos removals, as well as residential removals involving more than four dwelling units and some other residential work.

Approval is understood as long as notification is filed in a timely manner as required by 401 KAR 58:025.

(For more information about asbestos abatement in Jefferson County, contact the Jefferson County Air Pollution Control District, 850 Barrett Avenue, Louisville, Kentucky 40204-1745, Telephone: (502) 574-6000.)

C **Time Limits:** These limits apply to submittals that must be received by the division.

- Notify 10 days before demolition regardless of asbestos amounts (including zero).
- Notify 10 days before planned renovations involving at least 160 square feet, 260 linear feet, of 35 cubic feet friable asbestos to be removed over a year's time.
- Notify as early as possible, but no later than one day after work begins, for emergency renovations in which at least 160 square feet, 260 linear feet, or 35 cubic feet of friable asbestos are to be removed.

D **Fees:** None

E **Forms:** DEP 7036 Ten-day notification form

F **Procedures:** The owner/operator of the renovation/demolition operation shall notify the Division of renovation and demolition removals that are subject to 401 KAR 58:025.

- G **Permit Duration:** For the time period specified in the notification as the removal schedule.

Asbestos in Schools

All school buildings must be surveyed for asbestos and the surveys documented in management plans prepared by Division-accredited planners. The plans must include strategies for dealing with any asbestos found in the surveys.

- A **Legal Authority:** KRS 224.20-100, 224.20-110, 224.20-120, 224.20-300 and 401 KAR 58:005 and 58:010.
- B **Permit Requirements:** New schools built after October 12, 1988, need to send documentation to the Division for Air Quality certifying that the school was built with asbestos-free materials. Re-inspections of asbestos-containing school buildings are due every three years after the plan goes into effect.
- C **Time Limits:** None
- D **Fees:** Plan review fee - \$60 for asbestos-containing building, and \$30 for asbestos-free building.
- E **Forms:**
DEP 6048 For plans
DEP 4061 For re-inspections
- F. **Procedures:** Submit plans, revisions, and re-inspections to the Special Programs Branch pursuant to 401 KAR 58:010.
- G. **Permit Duration:** Plan/re-inspection approval indefinite until changes occur.

Certification of Contractors/Accreditation of Individual Asbestos Professionals

- A. **Legal Authority:** KRS 224.20-100, 224.20-110, 224.20-120, 224.20-300 and 401 KAR 58:005 and 63:042.
- B. **Accreditation Requirements:** Individual accreditations are required for five different kinds of asbestos work in schools and public and commercial buildings: building inspection, management plan, project design, project supervision, and project work (Exception: management-planner accreditation not required for public and commercial buildings.)
- C. **Certification Requirements:** Abatement – entity certification is required for asbestos removal that are subject to 401 KAR 58:025.
- D. **Time Limits:** 30 days from receipt of the completed application, along with proof of training and applicable fees.

- E. **Fees:** Initial certification - \$500; renewal - \$250; modification - \$50; initial accreditation - \$20; renewal - \$10; duplication for lost card - \$10.
- F. **Forms:**
 - DEP 7034 Application for entity certification
 - DEP 6038 Application for individual accreditation
- G. **Procedures:** Certification: supervisors attend EPA-approved training, pass exam, and attend the Division's orientation session; entity submits application and proof of training and schedules compliance demonstrations. Accreditation: submit application and proof of training and exam passed.
- H. **Duration:** Certification: one year. Accreditation: expires one year after prerequisite training is completed.

III. **GASOLINE TANK TRUCK CERTIFICATION**

- A. **Legal Authority:** KRS 224.10-100 and 401 KAR 63:031
- B. **Certification Requirements:** Application submittal and processing for issuance of certification sticker provides for the control of volatile organic compound emissions from leaks from gasoline tank trucks. The certification applies to each affected Tanker, which loads gasoline in a county or portion of a county Designated ozone non-attainment, for classification except marginal under 401 KAR 51:010.
- C. **Time Limits:** None
- D. **Fees:** \$10 certification sticker fee for each gasoline tank truck per year.
- E. **Forms:** DEP 6020
- F. **Procedures:** The owner or operator of a gasoline tank truck subject to the regulation shall apply annually to the Cabinet for a certification sticker, enclosing proof of passing the requisite vacuum-pressure test.

Within 15 days after the certification application is submitted, the Cabinet must notify the owner or operator if the application is not complete and if additional information is necessary in order to evaluate the application.

The Cabinet shall make its determination concerning the application including its approval or reasons for denial of the application within 30 days after receipt of a complete application.

- G. **Certification Duration:** One year from date of issuance.

DIVISION OF WASTE MANAGEMENT

The Division of Waste Management is responsible for regulating Kentucky's solid, special, and hazardous wastes and underground storage tanks. The Division is divided into seven branches: Solid Waste, Hazardous Waste, Underground Storage Tank, Superfund, Field operations, Resource Conservation and Local Assistance, and Program Planning and Administration.

Programs in the Division include the solid waste management program that regulates landfill, land farming, composting and beneficial reuse operations; the landfill, land farming, and composting operator certification programs; renewable-resource recovery programs, including abandoned vehicle, waste paper, and used oil recycling programs; evaluation and cleanup of uncontrolled hazardous waste sites; notification, cleanup, and closure programs for underground storage tanks; PCB inspection program; and the hazardous waste program that provides for comprehensive management of wastes that are identified as hazardous from their generation, transportation, storage, and treatment to their eventual disposal.

The Division issues permits for constructing, operating, and maintaining solid and special waste sites and facilities. All solid and special wastes generated (except for coal-mining wastes) must be disposed at sites or facilities permitted by the Division of Waste Management if disposed in the Commonwealth of Kentucky. On July 9, 1993, Kentucky became the first state to receive approval from the U.S. Environmental Protection Agency for its existing solid waste landfill regulatory program. Under federal law, states are required to demonstrate that their regulatory programs for municipal solid waste landfills are equivalent to the federal Resource Conservation and Recovery Act (RCRA) Subtitle D standards that went into effect in October 1991. The federal agency's action meant that existing permitted sites with one foot of compacted clay liners were acceptable until July 1, 1995. Since then, Kentucky municipal solid waste landfills have been required to meet more stringent design standards, including a composite bottom liner.

The Division also issues permits for the storage, treatment, and disposal of hazardous wastes and implements a registration program for hazardous waste generators, transporters, and recyclers. Under RCRA, the Environmental and Public Protection Cabinet has been granted authorization to administer the federal program to control hazardous waste. Kentucky received final authorization under RCRA on January 31, 1985, and received authorization on June 26, 1996, for implementing the requirements of the Hazardous and Solid Waste Amendments of 1984.

The Underground Storage Tank Branch regulates the registration, compliance, closure, inspections, corrective actions, and reimbursements for corrective actions of UST systems. The Office of Petroleum Storage Tank Environmental Assurance Fund (OPSTEAF), more commonly referred to as "the fund" has been abolished and the program placed under the UST Branch, 81 C. Michael Davenport Blvd., Frankfort, KY 40601. The phone number is 502-564-5981 or 1-800-928-7782.

KENUCKY DIVISION OF WASTE MANAGEMENT

14 Reilly Road
Frankfort, KY 40601
Phone: (502) 564-6716
Fax (502) 564-4049
E-mail: waste@ky.gov

PERMITS ISSUED BY THE DIVISION OF WASTE MANAGEMENT

**I. SOLID WASTE LANDFILL PERMITS
(CONSTRUCTION AND OPERATION)**

Landfill Classifications

Contained Landfill - Category of a solid waste site or facility that may accept for disposal all non-hazardous waste, including residential, commercial, institutional, industrial, special and municipal waste; shredded tires; household hazardous waste; limited quantity generator hazardous waste; and non-hazardous spill cleanup residue. The technical requirements for contained landfills are found in 401 KAR 48:050, 48:070, 48:080 and 48:090.

Construction/Demolition Debris Landfill - Construction/demolition debris landfill is the category of solid waste site or facility for the disposal of solid waste that results from the construction, remodeling, repair, and demolition of structures and roads and for the disposal of uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance, and seasonal storm-related cleanup. Such waste includes, but is not limited to, bricks, shredded or segmented tires, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, dry wall, plumbing fixtures, tree stumps, limbs, sawdust, leaves, yard waste, paper, paper products, metals, furniture, insulation, roofing shingles, asphalt pavement, glass, plastics that are not sealed in a manner that conceals other wastes, electrical wiring and components containing no liquids or hazardous metals that are incidental to any of the above, and other inert waste as approved by the Division. Friable asbestos-containing materials may be accepted only if the permit application includes procedures approved by the Division to handle these materials.

Construction/demolition landfills shall not be used for disposal of garbage, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, PCB-containing waste, hazardous material spill residues, limited-quantity-generator hazardous waste, any waste regulated by 401 KAR Chapters 31 and 32, whole tires, liquids, drums, fuel tanks, or other non-permitted waste. The technical requirements for construction/demolition debris landfills are found in 401 KAR 48:050 and 48:060. Senate Bill 118 of the 1992 regular legislative session placed additional restrictions on the operation of these landfills that are less than one acre in size. These sites are regulated as a Registered Permit-by-Rule. The requirements specified in Senate Bill 118 can be found in KRS 224.40-120.

Residual Landfill - Residual landfill is the category of solid waste site or facility designed and operated to accept for disposal a limited number of easily characterized industrial wastes or residues. In addition, residual landfills may accept sludge and special wastes. The technical requirements for residual landfills are found in 401 KAR 48:050 and 48:170.

The following information applies to the three landfill classifications identified above, except for less than one-acre construction/demolition debris landfills.

A **Legal Authority:** KRS 224.10-100, 224.40-100, 224.40-305, 224.40-310 and 401 KAR 47:100 and 47:160.

B **Permit Requirements:** Permits are required to construct or operate a contained landfill, construction/demolition debris landfill, or residual landfill.

C **Time Limits:** Applications to construct and operate have three elements. They are the Notice of Intent to Apply, Administrative Application, and Technical Application. The time allotted for review by the Division is 30 working days for a Notice of Intent to Apply, 60 working days for an Administrative Application, and 90 working days for the Technical Application. The operating permit issuance is determined by permittee's documentation submittal.

D **Fees:** (Note that publicly owned facilities are exempt from paying fees.)

APPLICATION PHASE	CONTAINED	Construction/Debris	RESIDUAL
Notice of Intent	\$500	\$500	\$500
Administrative	\$10,000	\$5,000	\$2,500
Technical	\$5,000	\$5,000	\$2,500
Operating Permit	\$800	\$500	\$500

E **Forms:**

DEP 7061	Application for a Solid Waste Landfill Notice of Intent to Apply
DEP 7062	Application for a Solid Waste Landfill Administrative Application
DEP 7087	Applicant and Key Personnel Disclosure Statement
DEP 7069A	Technical Application for a Contained Solid Waste Landfill
DEP 7069B	Technical Application for a Construction/Demolition Debris Solid Waste Landfill
DEP 7069C	Technical Application for a Residual Solid Waste Landfill

- F. **Procedures:** There are four phases to the permit process leading to facility operation and four public notices with associated opportunities for public notice and hearing. The following table shows the phases of permitting:

PHASE	PUBLIC NOTICE- 401 KAR 47:140	POTENTIAL HEARING TYPE	PERMIT REVIEW TIME FRAME
Notice of Intent to Apply	By applicant when advised to do so by the division	None	30 working days for agency review
Administrative Application	By applicant when advised to do so By division at the completion of administrative review	Public hearing and/or meeting with county officials	60 working days for agency review
Technical Application	By applicant when technical review begins By applicant when a preliminary determination has been made to issue a construction permit	Public hearing and/or meeting with county officials Adjudicatory	90 working days for agency review 30 calendar days plus time for hearing if petitioned
Construction/ Operating Permit	None	Adjudicatory	May be requested within 30 days of knowledge of permit issuance.

Financial Responsibility and Closure - Financial responsibility must be demonstrated by an annual budget for publicly owned facilities or by various financial mechanisms as described in 401 KAR 48:310 for privately owned facilities in an amount that approximates third party worst-case closure. Closure financial assurance may be released two years following certification of closure. Post-closure maintenance care is required following closure; for contained landfills this period lasts for at least 30 years following the two-year closure care period and requires a minimum financial assurance of \$10,000 per year based on 1990 dollars.

- G **Permit Duration:** Construction permits may be issued for no more than 5 years, and Construction/Operation permits may be issued for up to 10 years.

II. SOLID WASTE LANDFARMING FACILITY PERMIT

- A **Legal Authority:** KRS 224.10-100, 224.40-100, 224.40-305 and 401 KAR 48:200.
- B **Permit Requirements:** Permits are required for construction and operation of a land farming facility used for land application of solid wastes by any method for purposes of disposal. Waste application can be made to any piece or pieces of land and may improve the physical and chemical qualities of the land for agricultural purposes, but cannot alter the topography or disturb the soil below three feet from any surface. There are three classifications of solid waste landfarms: Class I, II, or III. Solid wastes that are composted or are landfarmed as Class I waste are subject to a Registered Permit-by-Rule. This category of permit is restricted to land farming wastes that are not defined as special wastes.
- C **Time Limits:** 120 days. This time interval includes 30 days for review of notice of intent and 90 days to review a complete application.
- D **Fees:** Application review - \$5,500; Operating permit - \$500; and, Renewal - \$300/year.
- E **Forms:**
DEP 7065 Notice of Intent to Apply for a Land farming Permit
DEP 7064 Application for a Land farming Facility Permit Class II or III Sludge
DEP 7059E Registered Permit-by-Rule Class I Solid Waste Landfarm (No fee.) See Section IV.
- F **Procedures:** A complete application along with plans and specifications must be submitted to and approved by the Division before a construction permit is issued. Public notice of the application must also be given by advertisement in the local newspaper, and the publication date must be verified by affidavit from the newspaper. The Division is required to allow a minimum interval of 30 days for the public to request a hearing on the proposed application. When construction as specified in the construction permit is completed, the applicant must notify the Division in writing to request an operating permit. Proof of financial responsibility is required. The Division will conduct a site inspection prior to issuing an operating permit to the applicant. See Section IV for procedure for Class I.
- G **Permit Duration:** Permits must be renewed every 10 years or as specified by the Division. A Registered Permit-by-Rule does not expire but may be modified or revoked by the cabinet.

III. SPECIAL WASTE SITE OR FACILITY (LANDFILL AND FARMING OR COMPOSTING) PERMITS

- A **Legal Authority:** KRS 224.40-305, 224.50 - 760 and 401 KAR 45:030.
- B **Permit Requirements:** A permit is required for the management, processing, or disposal of special waste at a waste site or facility. Special waste is defined in KRS 224.50-760 as those wastes of high volume and low hazard that include but are not limited to mining wastes, utility wastes (fly ash, bottom ash, scrubber sludge), sludge from water and wastewater treatment facilities, cement kiln dust, gas and oil drilling mud, and oil production brines. A formal permit is required for special waste landfills and facilities land farming or composting special waste. Some facilities are covered by a Registered Permit-by-Rule (see Section IV below) or by a Permit-by-Rule (see 401 KAR 45:060). Generators of coal-mining wastes are regulated by the Kentucky Department for Surface Mining Reclamation and Enforcement under the provisions of KRS Chapter 350.
- C **Time Limits:** 270 days. This time interval includes 90 days for review of the notice of intent and 180 days for technical review of a complete formal permit application. The time limit for a special waste landfill permit is 180 days for technical review (no notice of intent).
- D **Fees:** Formal application - \$5,000, Notice of Intent - \$500, and Construction/Operation Permit - \$500. (Note that publicly owned facilities are exempt from paying fees.)
- E **Forms:**
- | | |
|-----------|---|
| DEP 7094A | Application for a Special Waste Landfill Permit |
| DEP 7021A | Notice of Intent to Apply for a Special Waste Land farming or Composting Permit |
| DEP 7021B | Application for a Special Waste Land farming Facility Permit |
| DEP 7094D | Application for a Special Waste Composting Facility Permit |
| DEP 7094J | Past Performance Information |
- F **Procedures:** An applicant shall submit the completed appropriate application forms to the Division.
- G **Permit Duration:** Special waste site or facility construction permits shall be effective for a fixed term not to exceed 5 years. Special waste landfill construction/operating permits shall be issued for the anticipated life of the facility, although a shorter period may be specified by the Division. Special wasteland farming facility construction/operating permits shall be effective for a fixed term not to exceed 10 years.

IV. REGISTERED PERMIT-BY-RULE FOR SOLID OR SPECIAL WASTE FACILITIES

- A **Legal Authority:** KRS 224.10-100 and 401 KAR 47:110 and 45:070.
- B **Registration Requirements:** This registration is required to operate certain solid or special waste facilities used to store, treat, or dispose of solid or special waste. The facilities are:
- 1 Commercial recycling centers.
 - 2 Transfer stations.
 - 3 Construction/demolition debris landfills of one acre or less, when the wastes are not disposed at the site of generation.
 - 4 Solid waste incinerators that have a rated capacity of more than one ton per day including those using refuse-derived fuel.
 - 5 Solid Waste composting facilities that distribute compost in accordance with 401 KAR 48:200.
 - 6 Land farming of Class I in accordance with 401 KAR 48:200.
 - 7 Convenience centers.
 - 8 Beneficial reuse of special waste.
 - 9 Facilities that treat or store processed special waste for distribution under 401 KAR 45:100.
 - 10 Sludge giveaway programs.
- C **Time Limits:** 90 days. Under the special waste regulations, a registrant cannot begin operations until the Division has acknowledged the registration in writing. Solid Waste registrants may operate five business days after receipt of the application by the Division, unless the application is denied. The waiting period is 30 days for medical waste transfer stations.
- D **Fees:** No fee is charged.
- E **Forms:**
- | | |
|-----------|--|
| DEP 7059 | Application for Registered Permit-by-Rule |
| DEP 7059A | Registered Permit-by-Rule Solid Waste Composting |
| DEP 7059D | Registered Permit-by-Rule Sludge Giveaway |
| DEP 7059E | Registered Permit-by-Rule Land farming Class I Sludge |
| DEP 7059F | Registered Permit-by-Rule Special Waste Beneficial Re-Use |
| DEP 7059G | Registered Permit-by-Rule Storage and Treatment of Processed Special Waste |
| DEP 7059H | Registered Permit-by-Rule One Acre or Less Construction/Demolition Debris Landfill |
- F **Procedures:** Notifications are reviewed for completeness, accuracy, and conformance to the regulation and relationship to other waste facilities.

Operators of these facilities must maintain records and report to the Division quarterly and annually, or maintain records at the facility for three years, depending on the type of facility, in accordance with 401 KAR 47:110 or 45:070. Public notice is required except for special waste RPBR's (Registered Permit-by-Rules).

- G **Registration Duration:** Registrations do not lapse. They may be revoked for cause.

V. EMERGENCY PERMIT - SOLID OR SPECIAL WASTES

- A **Legal Authority:** KRS 224.40-305, 224.50-760, 401 KAR 47:150 and 45:135.
- B **Permit Requirements:** An Emergency Permit is a category of solid or special waste site permit or facility permit for the short-term storage or disposal of solid waste generated from a storm or flood event or other emergency as specified by the Division.
- C **Time Limits:** No time frame is set by regulation for review of an emergency permit application.
- D **Fees:** \$500 filing fee
- E **Forms:** Contact the Solid Waste Branch at (502) 564-6716.
- F **Procedures:** Requests shall be oral or written. If oral, the request shall be followed in five days by a written Emergency Permit request. The request shall clearly specify the solid or special waste to be received and the manner and location of treatment, storage, or disposal. All remaining solid or special waste and residues are to be removed at the end of the term of the Emergency Permit to a properly permitted solid or special waste site or facility in order to be exempted from the technical and financial requirements of 401 KAR Chapter 48. Failure to comply with the conditions of the Emergency Permit shall be grounds for the Division to recover the cost of proper closure.
- G **Permit Duration:** The Emergency Permit shall not exceed 90 days in duration and may be unilaterally terminated by the Division at any time if the Division determines the termination is appropriate to protect human health or the environment.

VI. RESEARCH, DEVELOPMENT AND DEMONSTRATION PERMIT - SOLID OR SPECIAL WASTE

- A. **Legal Authority:** KRS 224.40-305, 224.50-760, 401 KAR 47:150 and 45:135.
- B **Permit Requirements:** A Research, Development and Demonstration Permit is

a category of solid or special waste site or facility permit issued for a short period to demonstrate unproven technology.

- C. **Time Limits:** 180 days from receipt of a complete application.
- D. **Fees:** \$500 - filing fee for solid waste permit; \$2,500 - for special waste permit.
- E. **Forms:** None for Solid Waste. DEP 7094B Research Development and Demonstration Permit Application for Special Waste.
- F. **Procedures:** Research, Development, and Demonstration Permits are issued for the construction and operation of a facility for the receipt, storage, and disposal of only those types and quantities of solid or special waste that the Division deems necessary for purposes of determining the efficiency and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment. Note: For the purpose of expediting review and issuance of Research, Development, and Demonstration Permits, the Division may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements in 401 KAR Chapter 47 except that there may be no modifications or waiver of provisions in KRS Chapter 224 regarding financial responsibility (including insurance) or of procedures regarding public notification.
- G. **Permit Duration:** The solid waste permit may be extended in one-year increments no more than three times. The special waste permit is issued for two years and may be renewed one time for a two-year period.

VII. HAZARDOUS WASTE GENERATOR REGISTRATION

- A. **Legal Authority:** KRS 224.10-100, 224.40-100, 224.46-012, 224.46-014, 224.46-510 and 401 KAR 32:010.
- B. **Registration Requirements:** For full-quantity hazardous waste generators (producing more than 1,000 kg of hazardous waste in a single calendar month) or small-quantity generators (producing between 100 kg and 1,000 kg of hazardous waste in a calendar month), registration is required prior to shipping hazardous waste off-site. Registration is required to be renewed annually. The generator of any waste must determine whether the waste generated is hazardous or acutely hazardous in accordance with the regulatory definition of that term in 401 KAR Chapter 31. A person who generates a waste must determine if that waste is hazardous by:
 - 1. Determining if the waste is excluded from regulation under 401 KAR 31:010, Section 4.
 - 2. Determining if the waste is specifically listed in 401 KAR 31:040.
 - 3. Testing the waste using procedures in 401 KAR 31:030 for ignitability,

corrosively, reactivity, or Toxicity Characteristic Leaching Procedure (TCLP).

4 Using knowledge of the characteristics of the waste.

C **Time Limits:** No time frame set by regulation.

D **Fees:** Annual registration fees are located at KRS 224.46-012 and are as follows:

Number of Waste streams	Registration Fee	Modification of Registration
1 - 5	\$300	\$50
6 - 10	\$350	\$100
11 - 15	\$400	\$150
16 - 20	\$450	\$200
21 - 25	\$500	\$250
26 - 30	\$550	\$300
31 or more	\$600	\$350

Modifications to any information other than waste streams cost \$50. No fee is charged if a registrant modifies the registration by making a name change. Ownership changes are treated as new registrations subject to all applicable fees. Fees for a petition to de-list hazardous waste are \$2,500 for each hazardous waste petitioned. Fees for registration of an emergency and receipt of an emergency EPA I.D. number are \$100 per number.

E. **Forms:**

DEP 7037 Notification of Hazardous Waste Activity

DEP 7050 Annual Registration of Hazardous Waste Activity (sent out annually by the Division to generator)

F. **Procedures:** If the waste generated is hazardous as determined above and produced in quantities exceeding 100 kg of hazardous waste or 1 kg of acutely hazardous waste in a single calendar month, the generator shall register with the Division as a hazardous waste generator. The application for registration shall include known or anticipated types, potential sources, general characteristics, and weights or volumes of hazardous wastes generated annually.

G. **Registration Duration:** One year. Subsequent annual registrations shall be submitted at least 30 days before the expiration date.

H. **Treatment on site:** Application needs to be submitted for treatment on site by the generator with prior approval from the Division of Waste Management. There is a \$300 filing fee.

VIII. HAZARDOUS WASTE TRANSPORTER REGISTRATION

- A. **Legal Authority:** KRS 224.10-100, 224.40-100, 224.46-560 and 401 KAR 33:010.
- B. **Registration Requirements:** Registration is required before a transporter transports or intends to transport hazardous waste within the Commonwealth of Kentucky. This registration requirement does not apply to on-site transportation of hazardous waste by generators or by operators or by owners or operators of permitted hazardous waste management facilities.
- C. **Time Limits:** No time frame set by regulation.
- D. **Fees:** None
- E. **Forms:**
DEP 7053 Notification of Hazardous Waste Transportation Activities
- F. **Procedures:** The transporter must obtain the registration form and submit the completed form to the Division.
- G. **Registration Duration:** Indefinite unless otherwise conditioned by the Division.

IX. HAZARDOUS WASTE RECYCLER REGISTRATION

- A. **Legal Authority:** KRS 224.10-100, 224.46-520, 401 KAR 31:010, Section 6 and 401 KAR Chapter 36.
- B. **Registration Requirements:** Registration is required for facilities that recycle hazardous waste. The following are specifically required to register: re-claimers of lead-acid batteries, facilities using recyclable materials for precious metals recovery, and recyclers using hazardous waste in manner constituting disposal. Miscellaneous recyclers (i.e., distillation units, antifreeze recyclers, etc.) are also required to register.
- C. **Time Limits:** No time frame set by regulation.
- D. **Fees:** The annual fee to register is \$300 for each activity.
- E. **Forms:**
DEP 7037 Notification of Hazardous Waste Activity
DEP 7050 Annual Registration of Hazardous Waste Activity (sent out annually by the Division to recyclers).

- F. **Procedures:** The hazardous waste recycler, marketer, or burner should provide the Division a completed registration form.
- G. **Registration Duration:** One year. Subsequent registrations shall be submitted at least 30 days before the expiration date.

X. HAZARDOUS WASTE FACILITY PERMITS FOR STORAGE, TREATMENT, OR DISPOSAL

Note: Permits for portions of hazardous waste management for which Kentucky has not been authorized are issued by the U.S. Environmental Protection Agency. Contact the Hazardous Waste Branch at (502) 564-6716 for additional information.

Permit for Hazardous Waste Storage Facility

- A **Legal Authority:** KRS 224.10-100, 224.40-305, 224.46-016, 224.46-520, and 401 KAR 38:010, Section 4.
- B **Permit Requirements:** A permit is required for full-quantity generators storing wastes on-site for more than 90 days and small-quantity generators storing wastes on-site more than 180 days. (For generators shipping wastes more than 200 miles, the regulation allows storage on-site for up to 270 days without a hazardous waste storage permit.) A permit is also required prior to receiving any amount of hazardous waste from off-site for storage. Construction activities may not begin until a permit has been issued.
- C **Time Limits:** The applicant is required to submit the Part A application at least 45 days prior to submitting the Part B application. The Part B application shall be reviewed and a determination made to issue or deny the permit within the following timetables: 180 calendar days for Part B applications for storage in containers or tanks only and 365 days for Part B applications for facilities with land-based units (surface impoundments and waste piles). For facilities with multiple units, time frames are additive.
- D **Fees:**
 - Part A application fees: \$1,000 - filing fee;
 - Part B application fees:
 - 1 A filing fee of 20 percent of the applicable review fee
 - 2 Review fee:
 - a Containers (drums, tote bins, bottles and roll-off boxes):

5,000 gallons or more	\$6,000
Less than 5,000 gallons	\$3,000
 - Additional container of similar design with combined capacity:

Greater than 5,000 gallons	\$3,000
Less than 5,00 gallons	\$1,500

- b Tanks:

7,500 gallons or more	\$7,400
Less than 7,500 gallons	\$3,700

 Additional tanks of similar design with combined capacity:

Greater than 7,300 gallons	\$4,400
Less than 7,500 gallons	\$1,850
- c. Surface Impoundment \$14,000
- d Waste Piles \$12,200

- E. **Forms:** The permit application consists of two parts:
 DEP 7058A Part A and Part B (see 401 KAR 38:090)
- F. **Procedures:** The applicant should provide the Division with information as required on type, volume, and characteristics of waste being stored, engineering plans and specifications of the storage facility, operational plans for storing material, zoning conformance, and proof of financial responsibility. The proof of financial responsibility shall include an amount equal to the cost estimated for final closure, post-closure monitoring and routine maintenance, and liability insurance. When the Division has issued a tentative decision to issue or deny the permit, public notice must be made in a local newspaper. The Division must allow 45 days for the public to request a hearing on the application.
- G. **Permit Duration:** Permits shall be effective for a fixed term not to exceed 10 years.

Permit for Hazardous Waste Treatment Facility

- A. **Legal Authority:** KRS 224.10-100, 224.40-305, 224.46-520 and 401 KAR 38:010, Section 4.
- B. **Permit Requirements:** Facilities treating hazardous wastes are required to have a permit prior to construction or operation.
- C. **Time Limits:** The applicant is required to submit the Part A application at least 45 days prior to submitting the Part B application. Part B application shall be reviewed and a determination made to issue or deny the permit within the following timetables: 365 calendar days for storage and treatment in containers or tanks, 365 calendar days for Part B applications for new hazardous waste incinerators, and 365 days for Part B applications for facilities with land-based units (surface impoundments waste piles, and land treatment units). For facilities with multiple units, time frames are additive.
- D **Fees:**
 - Part A application fees: filing fee of \$1,000; and
 - Part B application fees:
 - 1 A filing fee of 20 percent of the applicable review fee

2	Review fee:	
a	Incinerator	\$19,400
b	Waste Pile	\$12,200
c	Surface Impoundment	\$14,000
d	Tanks:	
	7,500 gallons or more	\$7,400
	Less than 7,500 gallons	\$3,700
	Additional tanks of similar design with combined capacity:	
	Greater than 7,300 gallons	\$4,400
	Less than 7,500 gallons	\$1,850
e	Container (drums, tote bins, bottles, and roll-off boxes):	
	5,000 gallons or more	\$6,000
	Less than 5,000 gallons	\$3,000
	Additional container or similar design with combined capacity:	
	Greater than 5,000 gallons	\$3,000
	Less than 5,000 gallons	\$1,500

E. **Forms:** The permit application consists of two parts:

DEP 7058A Part A and Part B (see 401 KAR 38:090)

F. **Procedures:** Applicant should provide the division with information as required on type, volume, and characteristics of the waste being processed, its physical properties, the treatment process, facilities engineering plans and specifications, geologic information, zoning conformance, proof of financial responsibility, and contingency plans. The proof of financial responsibility shall include an amount equal to the cost estimated for final closure, post-closure monitoring and routine maintenance, and liability assurance. When the division has issued a tentative decision to issue or deny the permit, a public hearing notice must be made in the local newspaper. The division must allow 45 days for the public to request a hearing.

G. **Permit Duration:** Permits shall be effective for a fixed period not to exceed 10 years.

Permit for Hazardous Waste Disposal Facility

A. **Legal Authority:** KRS 224.10-100, 224.40-100, 224.40-305, 224.46-520 and 401 KAR 38:010, Section 4.

B. **Permit Requirements:** A permit is required prior to construction or operation of a facility on which hazardous waste is discharged, deposited, or placed into or on any land, and for facilities where hazardous waste will remain after closure during the post-closure care period.

C. **Time Limits:** The applicant is required to submit the Part A application at least 45 days prior to submitting the Part B application. Part B applications will be

reviewed and a determination made to issue or deny the permit within the following timetables: 365 calendar days for Part B applications for facilities with land-based units (surface impoundments, waste land treatment units, and landfills).

D Fees:

Part A application fees: \$1,000 - filing fee; and

Part B application fees:

- 1 A filing fee of 20 percent of the applicable review fee
- 2 Review fee:
 - a Surface Impoundments \$14,000
 - b Land Treatment \$15,800
 - c Landfill \$15,000
3. Facility assessment fee for Solid Waste Management Units:
 - a 100 and more \$11,500
 - b 60 - 99 \$9,000
 - c 20 - 59 \$6,500
 - d Fewer than 20 \$4,000

- E. Forms:** The permit application consists of two parts:
DEP 7058A Part A and Part B (see 401 KAR 38:090)

- F Procedures:** An applicant desiring a permit to construct and operate a disposal facility for hazardous wastes must apply to the Division. The application form must be accompanied by information as required on type, volume, and characteristics of waste being disposed, an operational plan, contingency plan, physical information on the proposed site or facility, a statement of zoning approval, proof of financial responsibility, an environmental compatibility document, and local fiscal court approval. The proof of financial responsibility shall include an amount equal to the cost estimated for final closure, post-closure monitoring and routine maintenance, and liability insurance. When the Division has issued a tentative decision to issue or deny the permit, public notice must be made in a local newspaper. The Division is required to allow 45 days for the public to request a hearing on the application.

- G. Permit Duration:** Permits shall be effective for a fixed period not to exceed 10 years with a re-opener of 5 years.

XI. HAZARDOUS WASTE EMERGENCY PERMIT

- A. Legal Authority:** KRS 224.40-310, 224.46-580 and 401 KAR 38:060, Section 2.
- B. Permit Requirements:** An Emergency Permit may be issued to allow temporary treatment, storage, or disposal of hazardous waste for a non-permitted facility in the event of an imminent and substantial danger to human health or the environment.

- C. **Time Limits:** No time frame set by regulation.
- D. **Fees:** \$750
- E. **Forms:** None
- F. **Procedures:** The Emergency Permit may be oral or written. If oral, it shall be followed in five days by a written Emergency Permit. The Emergency Permit shall be accompanied by a public notice containing information as required on name and location of the permitted hazardous waste site or facility, description of wastes involved, action authorized, and reasons for authorization along with the Emergency Permit duration.
- G. **Permit Duration:** Not to exceed 90 days.

XII. HAZARDOUS WASTE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMIT

- A. **Legal Authority:** KRS 224.40-305, 224.46-520, and 401 KAR 38:060, Section 6.
- B. **Permit Requirements:** A Research, Development, and Demonstration Permit may be issued for any hazardous waste treatment facility that proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated.
- C. **Time Limits:** See time frames under section on Permit for Hazardous Waste Treatment facility.
- D. **Fees:** Land Treatment Demonstration Permit fee is \$5,500. For other fees, see fees listed under the section on Permit for Hazardous Waste Treatment Facility.
- E. **Forms:** Contact the Division.
- F. **Procedures:** The applicant should provide the Division with information as required.
- G. **Permit Duration:** The permit may be issued for one year and may be reviewed not more than three times with each renewal period of not more than one year.

XIII. UNDERGROUND STORAGE TANK SYSTEM NOTIFICATION, PERMENENT CLOSURE, SITE INVESTIGATION, CORRECTIVE ACTION AND REIMBURSEMENT

Underground Storage Tank Installation

- A. **Legal Authority:** KRS 224.60-105 and 401 KAR 42:020.
- B. **Permit Requirements:** Any owner/operator who brings an underground storage tank into use must, within 30 days of bringing such tank into use, submit a Notification Form. This notification applies to any tank containing petroleum products, chemicals, or hazardous materials that are 10 percent or more below ground (including the pipes leading to the tank).
- C. **Time Limits:** Notifications must be submitted within 30 days of bringing tanks into use.
- D. **Fees:** Annual registration is \$30 per tank.
- E. **Forms:** DEP 5024 Notification for Underground Storage Tanks
- F. **Procedures:** Owners/operators are required to obtain the notification form and submit the completed form to the Division.
- G. **Permit Duration:** None

Underground Storage Tank Permanent Removal

- A. **Legal Authority:** KRS 224.60-105 and 401 KAR 42:070.
- B. **Permit Requirements:** Any owner/operator who removes an underground storage tank or closes a tank in place must report to the Division 30 days prior to removal or closure in-place. A closure assessment report must be submitted within 90 days of permanent closure.
- C. **Time Limits:** Notification must be made 30 days prior to removal or in-place closure.
- D. **Fees:** None
- E. **Forms:**
 - DEP 5025 Notice of Intent to Permanently Close Undergrounds Storage Tanks.
 - DEP 4058 Closure Assessment Report
 - Site Check Outline
 - Site Check Investigation Outline
 - Site Investigation Outline
 - Final Site Investigation Report Review Checklist Form
 - Facility Classification Outline
 - DEP 6053 Classification Guide Form

	Closure Outline
	Removed Underground Storage Tank Bill of Sale Form
	Certification of Empty Tanks Form
DEP 5033	UST Well Assessment Form

F **Procedures:** Owners/operators are required to submit the completed form to the Division.

G **Permit Duration:** None

Underground Storage Tank System Site Investigation and Corrective Action Requirements

A. **Legal Authority:** KRS 224.60-105 and 401 KAR 42:060.

B. **Permit Requirements:** Any owner who has a release from an underground storage tank system must report the release to the Cabinet. If levels are above site specific cleanup levels then the owner/operator must perform a site investigation to define the full horizontal and vertical extent of soil and/or groundwater contamination. The owner/operator must perform corrective action activities to restore the facility to the site-specific cleanup levels.

C. **Time Limits:** Notification of the release must be made immediately to the cabinet.

F. **Fees:** None

G. **Forms:**

	Site Check Outline
	Site Investigation Outline
	Final Site Investigation Report Review Checklist Form
	Facility Classification Outline
DEP 6053	Classification Guide Form

H **Procedures:** Owners/Operators are required to submit the completed forms and reports to the Division.

I **Permit Duration:** None

Reimbursement of Cost for Petroleum Underground Storage Tank System Corrective Action Requirements

A. **Legal Authority:** KRS 224.60-140 and 401 KAR 42:260 and 42:270.

- B. **Permit Requirements:** Any owner who is seeking reimbursement for corrective action activities for a release from petroleum underground storage tank systems must submit an Affidavit to the Division prior to the release and must submit an Application for Assistance before reimbursement eligibility can be determined. A Claim Request Form with supporting documentation must be submitted before reimbursement is paid.
- C. **Time Limits:** The Affidavit must be submitted prior to the release. The Claim Request Form will be reviewed within 90 days after receipt by the Division. The final claim request must be submitted by the owner/operator within two (2) years of receiving a No Further Action Letter from the Division.
- D. **Fees:** None
- E. **Forms:**
 - Affidavit
 - Application for Assistance
 - Claim Request Form
- F. **Procedures:** Owners/Operators are required to submit the completed forms to the Division.
- G. **Permit Duration:** None

Exempt Petroleum Storage Tank Closure Requirements

- A. **Legal Authority:** KRS 224.01-405 and 224.01-400
- B. **Requirements:** Closure of tanks exempt from the underground storage tank program is not required unless there is a release from the tank. For property transfers, the exempt tank owner may be required by the bank or lending agency to properly close the tank(s) before approving the loan.
- C. **Time Limits:** Exempt tanks are not required to be registered. Notification of closure for exempt tanks is not required.
- D. **Fees:** None
- E. **Forms:**
 - DEP 7097C Closure Application for Petroleum Releases and Petroleum Tank Systems Not Regulated by the Underground Storage Tank Program
- F. **Procedures:** Tanks that are exempt from the requirements in 401 KAR Chapter 42 listed above include the following:

- Farm or residential tanks with a capacity of 1,100 gallons or less used for storing motor fuel for noncommercial purposes;
- Tanks used for storing heating oil for consumptive use on premises where stored;
- Underground petroleum storage tanks that were closed before January 1, 1974, by removing all product and do not currently contain free product less than one inch;
- Petroleum storage tanks on or above the floor of underground areas such as basements or tunnels;
- Petroleum storage tanks with a capacity of 110 gallons or less;
- Aboveground storage tanks (greater than 90% of the volume of the tank including piping is above ground).

Corrective action must be taken to address releases of petroleum or petroleum products in accordance with KRS 224.01-405 and KRS 224.01-400. For more information on release reporting and cleanup requirements, please see the section on “*Kentucky’s Environmental Release Reporting and Cleanup Law (Kentucky Superfund)*.”

G. **Duration:** Not applicable.

XIV. USED OIL REGISTRATIONS

Used Oil Recycler Registration

- A. **Legal Authority:** KRS 224.50-545.
- B. **Registration Requirements:** Registration is required before a person recycles more than 5,000 gallons of used oil annually. Persons recycling solely from sources owned and operated by that person are exempted from registering.
- C. **Time Limits:** No time frame set by regulation.
- D. **Fees:** None
- E. **Forms:** Used Oil Registration Form
- F. **Procedures:** Recyclers of used oil should provide a completed registration form to the Division. A registered used oil recycler shall submit an annual report to the Division on its activities during the calendar year.
- G. **Registration Duration:** Indefinite

Used Oil Transporter Registration

- A. **Legal Authority:** KRS 224.50-545.

- B. **Registration Requirements:** Registration is required before a person transports more than 500 gallons of used oil annually over public highways or maintains any storage facility that receives more than 10,000 gallons of used oil annually. Persons collecting solely from sources owned and operated by that person are exempted from registering.
- C. **Time Limits:** No time frame set by regulation.
- D. **Fees:** None
- E. **Forms:** Used Oil Registration Form
- F. **Procedures:** Transporters of used oil should provide the Division a completed registration form. A registered used oil collector shall submit an annual report to the Division on its activities during the calendar year.
- G. **Registration Duration:** Indefinite

KENTUCKY POLLUTION PREVENTION CENTER

The Kentucky Pollution Prevention Center (KPPC) is the Commonwealth of Kentucky's primary resource for pollution prevention and energy efficiency technical assistance, training and applied research. KPPC is a nonprofit organization established by the Kentucky General Assembly under Kentucky Revised Statutes 224.46-580 et. seq. The Center provides free, nonregulatory and confidential pollution prevention and energy efficiency technical assistance to large companies as well as small businesses, schools, municipal organizations, private groups, and individuals.

On-site Pollution Prevention and Energy Efficiency Technical Assistance

KPPC's pollution prevention (P2) and energy efficiency (E2) on-site visits are free, nonregulatory, and totally confidential. During on-site assessments, KPPC's staff will discuss waste problems with company personnel in all areas. The P2 assessments focus on the sources, quantities and cost of all wastes such as hazardous and nonhazardous solid wastes, emissions to the atmosphere, and wastewater discharges. E2 assessments focus on utility billing, heating/cooling systems, lighting, office equipment and the building envelope. KPPC has provided assessments to nearly 500 Kentucky businesses with total savings reaching nearly \$6 million. This averages to about \$12,400 for each company.

Training and Education

KPPC has conducted more than 420 workshops and seminars attended by approximately 21,000 individuals from across the Commonwealth. These workshops and seminars educate industries, local governments and others on how to implement techniques to improve their organizations' economic bottom line while minimizing environmental impacts. Training materials include manuals, software, videos and online tools. Subject matter includes P2, E2, green purchasing, energy savings performance contracting, environmental homeland security, electronics recycling, and deconstruction.

Applied Research

Through P2 and E2 research projects, pilot programs and demonstrations, KPPC shows organizations how to save thousands of dollars by reducing their waste at the source.

Alliances and Partnerships

KPPC has established alliances and associations in Environmental Sustainability Management Systems, ISO 14001, Metal Finishing, Wood Waste, Fiber Reinforced Plastics, and Electronics Recycling to allow organizations to share information on successfully implemented P2 and E2 methods.

Information Technology/Online Resources

KPPC offers numerous P2 and E2 training tools and resources on its Web site, WWW.KPPC.ORG. This site provides access to KPPC's quarterly newsletter, annual report, news about upcoming events, discussion boards, online surveys, case studies, online consultants list, recyclers list, the Kentucky Industrial Materials Exchange, success stories, and general information about the Center itself.

Phone: (800) 334-8635, extension 0965 or
(502) 852-0965
Fax: (502) 852-0964
E-mail: info@kppc.org
Web site: www.kppc.org

DIVISION OF WATER

The Division of Water is responsible for issuing permits for wastewater systems, water withdrawals, dams, floodplain construction activities, and for ensuring safe water supply systems for the public.

The Division of Water was created by Executive Order on August 1, 1980, by combining the divisions of Water Quality, Water Resources, and Sanitary Engineering. The Division promotes the conservation, development, and proper use of the water resources of the Commonwealth of Kentucky. Through its permitting programs, the Division regulates the withdrawal and diversion of all public waters, construction and maintenance of dams, and all construction activities across, along, or in the floodplain of any water body in the state. The Division is responsible for programs for the certification of wastewater treatment plant operators, drinking water treatment plant operators, and water well drillers.

The Division of Water is the administering agency for the National Pollutant Discharge Elimination System (NPDES). Program delegation was made on September 30, 1983, by the U.S. Environmental Protection Agency, Region IV. Kentucky's program is entitled the Kentucky Pollutant Discharge Elimination System (KPDES), and applications for KPDES discharge permits are to be made to the Division of Water.

The Division of Water ensures the bacteriological safety and chemical quality of public drinking water supplies in the Commonwealth. It does this through review and approval of plans submitted by applicants proposing to construct public water supply systems, field inspections, and surveillance for the proper operation and maintenance of water supply facilities.

PERMITS ISSUED BY THE DIVISION OF WATER

I. WASTEWATER FACILITY CONSTRUCTION PERMIT

- A. **Legal Authority:** KRS 224.10-100, 224.16-050, 224.70-110, and 401 KAR 5:005.
- B. **Permit Requirements:** A construction permit must be obtained prior to beginning construction or modification of any sewage system used for treatment of wastewater. “Sewage system” means individually or collectively those constructions or devices used for collecting, pumping, treating and disposing of liquid or waterborne sewage, industrial, or other wastes. Systems that treat only industrial waste are exempt from this permit.
- C. **Time Limits:** Will be coordinated with the Kentucky Pollutant Discharge Elimination System (KPDES) permit.
- D. **Fees:** Construction permit fees are as follows:
- | | |
|---|---------|
| Large Facility (50,000 gallons per day [gpd] or more) | \$1,800 |
| Intermediate Facility (10,000 - 49,999 gpd) | 900 |
| Small Facility | 450 |
| Minor modification to a wastewater treatment plant | 200 |
| Small facility for non-profit organization | 50 |
- E. **Forms:**
KPDES Form 1 and Forms A, B, C, and short C
Construction Permit Application Form W-1
- F. **Procedures:** The applicant should submit the completed application forms along with a brief engineering report, a plot plan of the facility with new construction labeled, a USGS map with discharge points labeled, detailed plans, and the appropriate permit fee to the Division. A complete application for a permit should be submitted at least 180 days prior to the date a permit is desired. When construction is completed, the applicant must submit a certification by a registered engineer that the facilities were constructed in accordance with the approved plans.
- G. **Permit Duration:** If construction is not begun within the 12 months following a permit’s issuance, a new permit or a permit extension must be obtained.

II. KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES) PERMIT

- A. **Legal Authority:** KRS 224.10-100, 224.16-050, 224.70-100, 33 C.F.R. Part 153, 40 C.F.R. 122.21 (n)(2), Part 300, 33 U.S.C. 1251 et seq., 1342 and 410 KAR 5:055.

- B. **Permit Requirements:** The KPDES program requires permits for the discharge of pollutants from any point source into waters of the Commonwealth. Any person proposing a new discharge shall submit an application at least 180 days before the date on which the discharge is to begin. Any person with a currently effective KPDES (NPDES) permit shall submit an application at least 180 days before the expiration of the existing permit. Compliance with KPDES program requirements constitutes compliance with operational permit requirements of 401 KAR 5:005.
- C. **Time Limits:** 180 days from receipt of a complete permit application
- D. **Fees:** An application-filing fee is required to be submitted with each KPDES permit application. The filing fee is 20 percent of the appropriate permit base fee. The Division determines the total permit fee and bills the applicant for the permit fee less the filing fee prior to the issuance of the permit. Permit base fees and filing fees are as follows:

Permit Type	Base Fee	Filing Fee
Major Industry	\$3,200	\$640
Minor Industry	\$2,100	\$420
Non-Process Industry	\$1,000	\$200
Large Non-POTW	\$1,700	\$340
Intermediate Non-POTW	\$1,500	\$300
Small Non-POTW	\$1,000	\$200
Agricultural Operation	\$1,200	\$240
Surface Mining Operation	\$1,200	\$240
501 (c)(3)	\$20	\$100

- E. **Forms:** Use KPDES Permit Application Forms. All applicants must complete KPDES Form 1 (General Information) and one of the following:

KPDES Form A	Municipal Wastewater Discharge
KPDES Form B	Animal Waste Management
KPDES Form C	Manufacturing Establishments and Mining Operations
KPDES Short Form C	Services, Wholesale and Retail Trade, and all Other Commercial Establishments
KPDES Form F	Storm water Discharges from Industrial Activities

- F. **Procedures:** The applicant should obtain the appropriate KPDES application forms from the Division and submit the completed application to the Division. Upon completing the administrative review of the application, the Division will notify the applicant in writing within 30 days if the application is complete or incomplete. Once a draft permit is prepared (based on a completed application),

at least 30 days are allowed for public comment. A public hearing on the decision to issue a permit may be required if there is a significant degree of public interest in a draft permit. Public notice of the hearing is to be given at least 30 days before the hearing.

- G. **Permit Duration:** The permit is valid for five years.

III. KPDES PERMIT FOR STORMWATER DISCHARGES

- A. **Legal Authority:** KRS 224.16-050, 224.10-100, 224.70-100, 224.70-110, 401 KAR 5:055 and 5:060.
- B. **Permit Requirements:** A permit is required for point source discharges of storm water from certain industry categories and for certain construction permits. (At present, a KPDES permit for storm water discharges is required for construction projects that disturb more than one acre of land.) The Division has issued seven KPDES general permits to cover various categories of storm water discharges. Please contact the KPDES Branch at (502) 564-3410 to verify applicability.
- C. **Time Limits:** For individual permit coverage, 180 days from receipt of a complete permit application. For KPDES General Permit coverage, a Notice of Intent (NOI) letter is required to be submitted to the Division at least 48 hours prior to the commencement of the industrial activity or construction-related activities at the facility.
- D. **Fees:** For individual permit coverage, see fees listed in D above from KPDES Permit (fee category is usually “Non-Process Industry”). There is no charge for KPDES General Permit coverage.
- E. **Forms:** Use KPDES Form 1 and Form F for individual permit coverage. Submit KPDES Form NOI-SW for KPDES General Permit coverage.
- F. **Procedures:** For an individual permit, see procedures listed in F above for KPDES permit. For KPDES General Permit coverage, the applicant will need to comply with the conditions contained in the KPDES General Permit for Storm water Point Sources applicable to the applicant’s activities. The Division has issued the following KPDES General Permits for Storm water Point Sources (effective date of October 1, 2002): Construction, Primary Metals Industry, Wood Preserving, Coal Runoff, Oil and Gas Exploration-Production, Landfill-Land Application, and Other Facilities (not otherwise specified).
- G. **Permit Duration:** The permit is valid for five years.

IV. APPROVAL OF MUNICIPAL PRETREATMENT PROGRAMS

- A. **Legal Authority:** KRS 224.10-100, 224.16-050, 224.70-110, 224.73-120, 40 C.F.R. 1.25(e), 25, 130, 131, 136, 258, 261, Chapter 1, Subchapter N, 401 et seq., 403 Appendices A, D, 503, 33 USC 1251 et seq., 1314(h), 1317(d), 1319(c)(4),(6), 1342, 1370, 42 U.S.C. 6901 et seq., 40 CFR 1.25(e), Part 25, 128.140(b) (1977), Parts 136, 261, 403 Appendix A, 403 Appendix D, 503, and 401 KAR 5:057.
- B. **Permit Requirements:** The regulation establishes responsibilities of the Commonwealth, local government, industry, and the public to implement the national pretreatment program to control pollutants which pass through or interfere with treatment processes in publicly-owned treatment works (POTWs) or which may contaminate sewage sludge. Its objectives are to prevent the introduction of pollutants into POTWs, which will pass through the treatment works, or will otherwise are incompatible with the treatment works and to improve opportunities to recycle and reclaim municipal and industrial wastewater and sludge. It applies to:
1. Pollutants from non-domestic sources, which are directly or indirectly discharged into or transported by truck or rail to or otherwise introduced into POTWs;
 2. POTWs which receive wastewater from sources subject to national pretreatment standards; and
 3. New or existing sources subject to pretreatment standards.
- Industrial connections and discharges are not permitted until an approved pretreatment program is in place. The administrative regulation does not apply to sources that lawfully discharge to a sewer that is not connected to a POTW.
- C **Time Limits:** None
- D **Fees:** None
- E **Forms:** None
- F. **Procedures:** The applicant may obtain guidance from the division on developing an acceptable pretreatment program and the Sewer Use Ordinance required to provide the essential legal authority. The Division has approval responsibility for these documents and an over-site role for the implementation and on-going conduct of pretreatment programs through annual program inspections.
- G. **Permit Duration:** The approval is open ended; however, the Division must review and approve program and ordinance changes. Further, the Division must review and approve all permits issued by a POTW to industrial users.

V. NO DISCHARGE OPERATIONAL PERMIT

- A. **Legal Authority:** KRS 224.01-110, 224.10-100, 224.16-050, 224.16-060, 224.70-100, 224.70-110 and 401 KAR 5:005
- B. **Permit Requirements:** An operational permit must be obtained prior to beginning operation of a non-discharging sewage system. “Sewage system” means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of liquid or waterborne sewage, industrial, or other wastes. Non-discharging sewage systems include closed circuit systems, subsurface injection, and land application of effluent.
- C. **Time Limits:** No time frame set by regulation.
- D. **Fees:** None
- E. **Forms:**
DEP 7033 Kentucky No Discharge Operational Permit
- F. **Procedures:** The applicant should obtain the appropriate application from the Division and submit the completed permit application to the Division. An application for a permit should be submitted at least 30 days prior to the date the permit is desired.
- G. **Permit Duration:** The permit is valid for five years.

VI. FLOODPLAIN CONSTRUCTION PERMIT

- A. **Legal Authority:** KRS 151.250, 151.260, 151.280, 151.310, and 401 KAR 4:020 through 4:060.
- B. **Permit Requirements:** A Floodplain Construction Permit is required prior to the construction, reconstruction, relocation, or improvement of any dam, embankment, levee, dike, bridge, fill, or other obstruction across or along any stream or in the floodway of any stream. Permits are required for any such activity in designated 100-year floodplains or areas known to be flood prone. Exemptions exist that cover activities in watersheds of less than one square mile of drainage, Department of Transportation projects, and some utility pipeline stream crossings. A permit is also required to deposit or cause to be deposited any matter that will in any way restrict or disturb the flow of water in the channel or in the floodway of any stream. The Department for Surface Mining Reclamation and Enforcement (DSMRE) administers this program in all areas covered by a surface mining permit.
- C. **Time Limits:** 20 working days from receipt of a complete application.

- D. **Fees:** None
- E. **Forms:** Application for Permit to Construct Across or Along a Stream
- F. **Procedures:** The applicant should submit an application, data sheet, project maps, and at least one set of such plans, drawings, and specifications as are necessary for a determination of the proposed project's effect on the impacted water body. All plans and specifications must be prepared by a professional engineer licensed to practice in Kentucky. If a bridge or fill is proposed, a floodway analysis may be required using field surveyed data at necessary proposed, a floodway analysis may be required using field survey data at necessary.
- G. **Permit Duration:** Permit allows one year for construction to begin.

VII. DAM CONSTRUCTION PERMIT

- A. **Legal Authority:** KRS 151.250, 151.260, 151.280, 151.310, and 401 KAR 4:030.
- B. **Permit Requirements:** A Dam Construction Permit is required prior to the construction, reconstruction, or modification to any dam as defined by KRS 151.100(12) and 401 KAR 4:030, Section 1. DSMRE administers this program in all areas covered by a surface mining permit.
- C. **Time Limits:** 20 working days
- D. **Fees:** None
- E. **Forms:**
Applications for Permit to Construct Across or Along a Stream
DEP 7016 Dam Construction Permit Application Data Sheet
- F. **Procedures:** The applicant should submit an application, data sheet, and at least one set of such plan drawings and specifications as are necessary for a determination of the stability and hydrologic capabilities of the dam. Dams should be designed pursuant to *Engineering Memorandum No. 5* which may be obtained from the Division. Once the dam is constructed, the applicant must obtain approval from the Division before water may be impounded behind the dam (see section on Approval to Impound).
- G. **Permit Duration:** Permit allows for one year for construction to begin.

VIII. WILD RIVERS PERMITS

Utility Right-of-Way Construction Permit

- A. **Legal Authority:** KRS 146.200, 146.360, and 401 KAR 4:125, Section 11.
- B. **Permit Requirements:** A Wild Rivers Utility Right-of-Way Construction Permit is required prior to the construction of any utility lines or pipelines within any portion of a stream area designated as a wild river (maximum of 2,000 feet in either direction from center of stream).
- C. **Time Limits:** 60 days after receipt of an administratively complete application.
- D. **Fees:** None
- E. **Forms:**
DEP 7089 Utility Right-of-Way Construction Permit Application and associated land-use plan form
- F. **Procedures:** The applicant should obtain the application form from the Division and submit the completed application and all required documentation (engineering drawings, etc.) to the Division.
- G. **Permit Duration:** Indefinite

Change-of-Use Permit

- A. **Legal Authority:** KRS 146.200 through 146.360 and 401 KAR 4:130.
- B. **Permit Requirements:** A Wild Rivers Change-of-Use Permit is required prior to undertaking any change of existing land use in a wild rivers corridor, such as selective timber cutting, resource removal, a new agricultural use or initiating construction of new roads, structures, etc., associated with a change of use.
- C. **Time Limits:** 120 days from receipt of a complete permit application.
- D. **Fees:** None
- E. **Forms:**
DEP 7088 Property Owner's Change-of-Use Application and associated land-use plan form for the specific land use change
- F. **Procedures:** The applicant should obtain the application form from the division and submit the completed application and all required documentation (engineering drawings, etc.) to the Division.

- G. **Permit Duration:** Permit is valid for one year.

IX. WATER WITHDRAWAL PERMIT

- A. **Legal Authority:** KRS 151.120, 151.140, 151.150, 151.160, 151.170, 151.200, 151.210, 401 KAR 4:010, and 4:200.
- B. **Permit Requirements:** A Water Withdrawal Permit is required to withdraw, divert, or transfer public water from a stream, lake, groundwater source, or other body of water. Excluded are agricultural users, steam powered electric generating plant users whose rates are regulated by the Kentucky Public Service Commission, users of water injected underground for production of oil or gas, and users of less than 10,000 gallons per day.
- C. **Time Limits:** 90 days from receipt of an administratively complete permit application.
- D. **Fees:** None
- E. **Forms:**
Application for Permit to Withdraw Water
- F. **Procedures:** The applicant should obtain an application for a Water Withdrawal Permit from the Division and submit the completed form to the Division.
- G. **Permit Duration:** Varies

X. OIL AND GAS FACILITIES

Oil and Gas Facility Registration

- A. **Legal Authority:** KRS 151.125, 224.10-100, 224.70-110 and 401 KAR 5:090, Section 4.
- B. **Registration Requirements:** Registration is required for any oil and/or gas facility that causes or is capable of causing produced water. New facilities are required to register within 60 days after the facility begins producing oil and/or gas. Existing dry gas wells (gas wells producing one barrel or less of produced water at maximum production conditions during a given 24-hour period) are not required to register.
- C. **Time Limits:** No time frame set by regulation.
- D. **Fees:** None

- E. **Forms:** Oil and Gas Producers Produced Water Disposal Registration Form
- F. **Procedures:** Operators should obtain a registration form from the Division and submit the completed form to the Division. Information is to be provided on the name of the operation, location of facility, oil and produced water production rates, method of produced water disposal, and other necessary information. The operator shall register each tank battery with associated wells, pits, and other similar structures at one facility. Notification of registration will be sent to the operator, and the Division will assign a registration number that is required to be placed on a waterproof sign posted at each tank battery and disposal well.
- G. **Registration Duration:** Indefinite, unless otherwise conditioned by the Division.

Permit for the Construction and Operation of a Holding Pit

- A. **Legal Authority:** KRS 224.10-100, 224.70-110, and 401 KAR 5:090, Section 9.
- B. **Permit Requirements:** A construction permit must be obtained prior to the commencement of construction of a holding pit. A “holding pit” is defined as an earthen excavated depression designed to receive and store produced water at a facility.
- C. **Time Limits:** No time frame set by regulation.
- D. **Fees:** \$100
- E. **Forms:**
The Oil and Gas Producers Produced Water Disposal Registration Form should be supplemented with the following information: the name of the soil association under the pit, a diagram of a cross-section of the pit including the geologic medium in which wells will be constructed, and the type of drilling rig being operated. Certification will be granted upon the applicant’s passing the necessary examinations, submitting proof of sufficient liability insurance and bonding, and paying all necessary fees. An applicant may repeat examinations or take additional examinations at a later date with no additional application or examination
- F. **Procedures:** The information listed above should be submitted to the Division not less than 30 days prior to the date construction is to begin.
- G. **Permit Duration:** Indefinite unless otherwise conditioned by the Division. Note that any holding pit no longer used for the purpose for which it was intended shall be backfilled, graded, and re-vegetated except where written approval from the Division is obtained for the holding pit to remain as a

permanent structure or for other purposes.

Approval to Transport Produced Water Offsite

- A. **Legal Authority:** KRS 224.10-100, 224.70-110, and 401 KAR 5:090, Section 6.
- B. **Approval Requirements:** Approval is required before an operator shall authorize or allow the transportation of produced water away from a facility where it is produced.
- C. **Time Limits:** 30 days from receipt of a complete application.
- D. **Fees:** None
- E. **Forms:**
Application to Dispose of Produced Water Off-Facility
- F. **Procedures:** Operator should submit the application form to the Division to receive approval.
- G. **Approval Duration:** Indefinite, unless otherwise conditioned by the Division.

XI. APPROVALS

Approval to Construct Public Water Supply Facilities

- A. **Legal Authority:** KRS 224.10-110 and 401 KAR 8:100
- B. **Approval Requirements:** Approval to construct a Public Water Supply Facility is required prior to construction or installation of any new facilities or works or alteration or reconstruction of any existing facilities or works in any public or semi-public water supply. Plans for a semi-public water supply system to be utilized for drinking and/or domestic use within a facility must be approved by the Division.
- C. **Time Limits:** Within 45 days of receipt of the complete request for approval.
- D. **Fees:** Filing fee equal to 20 percent of permit fee must be submitted and will be applied toward the project fee assessed. Project fees are as follows: \$150 - \$800 for public supply, \$50 for semipublic supply, and \$50 - \$800 for non-community public sources. See 401 KAR 8:050 for detailed listing of fees.
- E. **Forms:** A waterline submittal checklist is available.
- F. **Procedures:** The applicant should contact the Division and provide detailed

engineering plans and specifications of the proposed water supply system. The Division will review and approve/disapprove plans for the system.

- G. **Approval Duration:** If construction has not commenced within one year after the date of the approval, the approval shall expire. An extension may be granted upon request to the Division.

Approval to Impound

- A. **Legal Authority:** KRS 151.210, 151.250, 401 KAR 4:030, Section 8(2).
- B. **Approval Requirements:** Approval to impound water behind a dam must be obtained from the Division prior to the closure of the outlet valve and actual impounding of water. (For construction permitting activities, see section on Dam Construction Permit.) This applies to new construction as well as major modifications to an existing dam.
- C. **Time Limits:** No time frame set by regulation.
- D. **Fees:** None
- E. **Forms:** None
- F. **Procedures:** The applicant shall request in writing an approval to impound water once modification to or construction of a dam is complete. The applicant should submit a set of final as-constructed plans with the request to the Division. An on-site inspection will be made prior to issuing the approval.
- G. **Approval Duration:**

Approval for Sewer Extension

- A. **Legal Authority:** KRS 224.10-100 and 401 KAR 5:005.
- B. **Approval Requirements:** Approval is required prior to construction of sewer line extensions, pump stations, and force mains or for modification of existing facilities.
- C. **Time Limits:** 45 days from receipt of complete application.
- D. **Fees:**
- | | |
|--|-------|
| <u>Large Facility</u> | \$800 |
| (Sewer lines or force mains of 5,000 feet or more including appurtenances) | |
| <u>Intermediate Facility</u> | \$400 |
| (Sewer lines or force mains of more than 2,500 feet to 5,000 feet including appurtenances) | |

Small Facility

\$200

(Sewer lines or force mains of less than 2,500 feet including appurtenances or a pump station)

- E. **Forms:**
DEP 7071 Facilities Construction Branch Sewer Line Application Form
- F. **Procedures:** For sewer extensions to publicly-owned treatment works or private plants, applications filed with the Division must be accompanied by a letter from the city, sanitation district, or plant owner getting permission for the sewer connection to be made and stating which parties are to be responsible for ownership and maintenance of the facilities. The applicant needs to submit the application form and required attachments that are listed on the form. When construction is completed, the applicant must submit a certification by a registered engineer that the facilities were constructed in accordance with the approved plans.
- G. **Approval Duration:** If construction has not begun within 12 months following the permit's issuance, a new permit or a permit extension must be obtained.

Section 401 Water Quality Certification

- A. **Legal Authority:** Section 401 of the Federal Clean Water Act, KRS 224.16-050, and 401 KAR Chapter 5.
- B. **Permit Requirements:** Prior to issuance of any federal license or permit to conduct any activity that may result in any discharge into waters of the Commonwealth.
- C. **Time Limits:** No time frame is set by regulation. Normal processing takes 60 days. Some of the more complex proposals require additional time for information gathering.
- D. **Fees:** None
- E. **Forms:**
DEP 6046 Application for Water Quality Certification

The Water Quality Certification Program and the Floodplain Construction Program have adopted a joint permit application form entitled "Application to Construct Across or along a stream and/or Water Quality Certification". The form may be downloaded from the internet at <http://www.water.ky.gov/permitting/wqcert/>. The complete application should be submitted to the Floodplain Construction Section, Kentucky Division of Water, 14 Reilly Road, Frankfort, KY 40601

- F. **Procedures:** Section 401 Water Quality Certification (WQC) is tied directly to environmental permits issued by the U.S. Army Corps of Engineers (COE) for physical impacts to streams and wetlands. The type of permit application for the Division depends on whether the COE covers the activity under their Individual or Nationwide permit procedures. If Individual, then the COE Public Notice becomes the application for the Division. If covered under COE Nationwide permit numbers 12, 13, 14, 16, 17, 21, 23, 25, 26, 27, 30, 31, 32, 37, or 38, a separate application for WQC will need to be submitted to the Division. The applicant is required to submit the completed application form along with a detailed description of the proposed action, location maps, detailed plans/drawings/specifications, and a copy of the COE letter to the applicant authorizing the activity under a nationwide permit.
- G **Permit Duration:** Certification is valid for one year.

XII. WATER WELL DRILLERS CERTIFICATION (INCLUDES WATER WELL DRILLERS AND MONITORING WELL DRILLERS CERTIFICATION)

- A. **Legal Authority:** KRS 223.400 through 223.460, 401 KAR 6:310 and 6:320.
- B. **Permit Requirements:** Certification is required for anyone who constructs, alters, repairs, or abandons (plugs) a water well or monitoring well.
- C. **Time Limits:** Certification must be obtained prior to well construction. Allow a total of at least 30 days for application processing, examination scheduling, and examination scores to be returned.
- D. **Fees:**
- | | |
|-----------------------|---------------------|
| Application | \$25 (one-time fee) |
| Examinations | \$40 (one-time fee) |
| Initial Certification | \$100 |
| Certification Renewal | \$100 |
- E. **Forms:**
The applicant must submit a Certification Application and Water Well Performance Bond Forms. Certified Drillers must submit either a Water Well Record Form (DEP 4045) or a Monitoring Well Record Form (DEP 8043) for each well within 30 days of well construction, alteration, repair, or abandonment.
- F. **Procedures:** Applications can be obtained from the Water Well Drillers Program Coordinator in the Groundwater Branch. Each applicant must pass a series of examinations depending upon the types of wells to be constructed, the geologic medium in which wells will be constructed, and the type of drilling rig being operated. Certification will be granted upon the applicant's passing the necessary examinations, submitting proof of sufficient liability insurance and bonding, and paying all necessary fees. An applicant may repeat examinations or

take additional examinations at a later date with no additional application or examination fees. A driller who fails to renew certification for two consecutive years must reapply for certification, pass all necessary examinations, and pay all fees.

- G. **Permit Duration:** All certifications expire on June 30 regardless of the date certification was issued.

XIII. APPROVAL OF GROUNDWATER PROTECTION PLANS

- A. **Legal Authority:** KRS 224.01-010, 224.10-100, 224.70-100 and 401 KAR 5:037.
- B. **Approval Requirements:** A Groundwater Protection Plan is required to be held on site when any activity with the potential to contaminate groundwater is engaged in.
- C. **Time Limits:** As of August 24, 1995, plans must be developed by commencement of activity of concern.
- D. **Fees:** None
- E. **Forms:** Guidance document available for content and format purposes.
- F. **Procedures:** Generic plans are to be submitted to the Natural Resources and Environmental Protection Cabinet (the Cabinet) for approval before implementation. Site-specific plans are not required to be submitted to the Cabinet until the Cabinet requests them. Plans must be made available to the public on request.
- G. **Approval Duration:** Must be updated every three years.

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION OPERATOR
CERTIFICATION PROGRAMS AND OTHER IMPORTANT STATE PROGRAMS
AND AGENCIES**

**I. DEPARTMENT FOR ENVIRONMENTAL PROTECTION OPERATOR
CERTIFICATION PROGRAMS**

Division Administering Program	Certification Name
Division for Air Quality Special Programs Branch (502) 573-3382	<ul style="list-style-type: none"> • Certification for Asbestos Abatement Entities • Accreditation for Schools' Asbestos Abatement Professionals (Inspectors, Management Planners, Project Designers, Abatement Supervisors, and Abatement Workers)
Division of Waste Management (502) 564-6716	<u>For Solid Waste</u> <ul style="list-style-type: none"> • Landfill Operator Certification • Landfill Manager Certification • Landfarming Operator Certification • Composting Operator Certification <u>For Special Waste</u> <ul style="list-style-type: none"> • Landfill Operator Certification • Land farming Operator Certification • Composting Operator Certification
Division of Compliance Assistance (502) 564-3410	<ul style="list-style-type: none"> • Drinking Water Treatment Plant Operator Certification • Drinking Water Distribution System Operator Certification • Wastewater Treatment Plant Operator Certification
Division of Water (502) 564-3410	<ul style="list-style-type: none"> • Water Well Driller Certification Monitoring • Well Driller Certification

Please contact the appropriate division for more information on these certification programs, including application forms and certification requirements.

II. OTHER IMPORTANT STATE AGENCY PROGRAMS

- A. **OSHA Hazard Communication Program.** Division of Education and Training, Labor Department, The 127 Building, 1047 U.S. 127 South, Frankfort, Kentucky 40601, (502) 564-6895. This office is responsible for implementing the federal hazard communication program in Kentucky.
- B. **State Fire Marshal's Office.** Division of Fire Prevention, Office of Housing, Building and Construction, 101 Sea Hero Road, Suite 100, Frankfort, KY 40601, (502) 573-0365. This office is responsible for the prevention of fire or explosion arising from the storage, handling, or use of substances, materials, or devices or the use of a building.
- C. **Division of Building Codes Enforcement.** Office of Housing, Building and Construction, 101 Sea Hero Road, Suite 100, Frankfort, KY 40601, (502) 573-0373. This office is responsible for reviewing plans and specifications, issuing permits, and making inspections to determine compliance with the Kentucky Building Code.
- D. **Kentucky Emergency Response Commission.** Division of Disaster and Emergency Services, Department of Military Affairs, Boone National Guard Center, Frankfort, Kentucky 40601, (502) 564-8660. The Kentucky Emergency Response Commission is responsible for implementing the federal Emergency Planning and Community Right-to-Know Law (otherwise known as SARA Title III) in Kentucky. See next page for outline of requirements under this law.

SUMMARY OF REPORTING REQUIREMENTS UNDER THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

Section of Community Right-to-Know Act	Summary
Section 302 - Presence of Extremely Hazardous Chemicals	If a facility has any of the more than 400 “extremely hazardous substances” on site in quantities greater than Threshold Planning Quantities established by EPA, it must notify its State Emergency Response Commission (SERC) that it is subject to the emergency planning requirements of this section. A facility representative must participate in the local emergency planning process. The facility also must provide any information to the Local Emergency Planning Commission (LEPC) deemed necessary for development or implementation of a local emergency plan.
Section 304 - Emergency Notification	A facility must notify the LEPC and SERC immediately of the release of any “extremely hazardous substance” (as defined by Section 302), or any substances subject to emergency notification requirements under CERCLA, in amounts above the Reportable Quantities (RQs) that EPA has established for each substance. The facility must follow up on this initial notification with a written statement providing details of the incident.
Section 311 - Material Safety Data Sheet (MSDS) Reporting	A facility must submit to the LEPC, SERC and local fire departments a list of MSDSs for any “hazardous chemical” (as defined under the OSHA Hazard Communication Standard) that are present on site in quantities greater than 10,000 pounds. It also must report any “extremely hazardous substances” (as defined under Section 302) that are present on site in quantities more than the Threshold Planning Quantities or 500 pounds. This reporting requirement must be met within 90 days for any new chemical handled on site.
Section 312 - Hazardous Chemical Inventory (Use Kentucky Tier II Form and submit filing fee to the Kentucky Emergency Response Commission.)	A facility must submit to the LEPC, SERC, and local fire departments certain information for any “hazardous chemical” reported under Section 311. This includes any type of hazard the material may pose, the quantities stored, general storage locations, and type of storage. <u>The reports for each calendar year are due by March 1 of the following year.</u>
Section 313 - Toxic Chemical Release Inventory (Use EPA Form R and submit original signed copy to EPA and one copy to the Department for Environmental Protection.)	A facility classified in SIC codes 20 through 39 (manufacturing) and having the equivalent of 10 or more full-time employees must estimate annually all environmental releases of “toxic chemicals” defined in a Congressionally mandated list that contains 343 chemicals and 22 chemical categories. This applies to those listed chemicals that it manufactures (including imported) or processes in annual quantities exceeding 25,000 pounds or otherwise uses in quantities exceeding 10,000 pounds. The facility must develop estimates for the amounts of each substance released annually to air, land, and water and the amounts transferred to off-site facilities. It also must provide estimates of the efficiencies of any waste treatment devices used. <u>Reports for each calendar year are due by July 1 of the following year.</u> The method used to identify these chemicals and to estimate their releases must be documented and kept on file for two years.

Kentucky EPCRA Contacts:

Sections 302, 304, 311 and 312 - James Ishmael, Division of Emergency Management, Boone National Guard Center, Frankfort, KY 40601. (502) 607-5712

Section 313 - TRI Coordinator, Department for Environmental Protection, Commissioner’s Office, 14 Reilly Road, Frankfort, KY 40601, Telephone: (502) 564-2150.

OTHER AGENCIES REQUIRING ENVIRONMENTAL PERMITS STATE AND FEDERAL

The Department for Environmental Protection issues permits protecting all three environmental media - air, water, and land. However, there may be some permits required by other state and federal agencies in order to construct and operate a facility and its associated activities in Kentucky. Outlined below are the names and addresses of some of these agencies along with the permit name, the authorizing state statute or federal law, and a broad overview of the requirement criteria.

I. STATE AGENCIES

A. Department for Surface Mining Reclamation and Enforcement, Division of Permits, #2 Hudson Hollow, Frankfort, Kentucky 40601, (502) 564-2320.

- 1 Surface Disturbance Mining Permit (KRS 350.060) - Surface coal mining and reclamation operations.
- 2 Surface Coal Mining and Reclamation Operations Permit for Underground Mining (KRS 350.060) - Any underground coal mining activity and associated surface activities.
- 3 Surface Coal Mining and Reclamation Operations Permit for Coal Processing Facilities (KRS 350.060) - Operation of a variety of facilities including loaders, crushers, washers, and other sites where coal is sized or screened.
- 4 Notification of Coal Exploration - 25 Tons or Less (KRS 350.057) - Coal exploration operations that remove 25 tons or less of coal within 12 consecutive months.
- 5 Coal Exploration - Over 25 Tons (KRS 350.057) - Coal exploration operations that remove more than 25 tons of coal.
- 6 Surface Disturbance Mining Permit - Non-coal Mining (KRS 350) - Non-coal mining operations including clay mining, fluorspar, sand, and gravel (exclusive of river sand and gravel), stone, and rock asphalt (tar sands).
- 7 Oil Shale Operations (KRS 350.600):
 - a Experimental Practices Approval - Approval to conduct oil shale operations using alternative mining practices on an experimental basis.
 - b Notification of Oil Shale Exploration - 250 Tons or Less - Oil shale exploration operations that remove 250 tons or less.
 - c Oil Shale Exploration - Over 250 Tons - Oil shale exploration operations that remove more than 250 tons.
 - d Oil Shale Operations Permit - Oil shale operations including extraction, processing, waste disposal, and reclamation activities.

B. Public Protection and Regulation Cabinet, Department of Mines and Minerals, Division of Oil and Gas, P. O. Box 680, Lexington, Kentucky 40586, (606) 257-8818.

- 1 **Permit for Oil, Gas, and Salt Water Wells** (KRS 353.570) - Drill, deepen, or reopen a well for the production of oil or gas or for the injection of water, gas, or other fluid into any oil- or gas- producing formation (except seismograph test holes) or drill or deepen a water supply well and geological or structure test holes.

C. **Department for Health Services**, 275 East Main Street, Frankfort, Kentucky 40601, (502) 564-4856.

1. **On-Site Sewage Disposal System Installation Permit** (KRS 211.350)
- Permit to construct, install, or alter on-site sewage disposal systems.

II. **FEDERAL AGENCIES**

A. **U.S. Environmental Protection Agency, Region IV**, Atlanta Federal Center, 100 Alabama Street SW, Atlanta, Georgia 30303-3104, (404) 562-8327.

1. **Underground Injection Control (UIC) Permit**, (The Safe Drinking Water Act) - Permit for the injection of fluids underground. The UIC permit program regulates underground injections by five classes of wells.

Class I Wells used by municipal and industrial discharges to dispose of waste materials below the lowermost formation containing an underground source of drinking water.

Class II Wells that inject fluids associated with the recovery of oil or natural gas. This includes brine waste injection, enhanced recovery of oil or natural gas, and storage of hydrocarbons.

Class III Wells used for the extraction of minerals.

Class IV Wells used to dispose of hazardous waste materials into or above a formation containing an underground source of drinking water.

Class V Wells not included in Classes I - IV.

B. **U.S. Army Corps of Engineers**. There are four districts, established by river basin, having jurisdiction in the Commonwealth of Kentucky:

- Upper Ohio River and Big Sandy River Basin - **Huntington District**, 502 Eighth Street, Huntington, West Virginia 25701-2070, (304) 529-5710.
- Lower Ohio River and Licking, Kentucky, Salt, and Green River Basins - **Louisville District**, PO Box 59, Louisville, Kentucky 40201-0059, (502)

582-5452.

- Tennessee, Lower, and Upper Cumberland River Basins - **Nashville District**, PO Box 1070, Nashville, Tennessee 37202-1070, (615) 736-5181.
- Mississippi River Basin - **Memphis District**, B-202 Clifford Davis Federal Office Building, Memphis, Tennessee 38103-1894, (901) 544-3471.

1. **Section 404 Permit (The Clean Water Act)** - Discharges of dredged or fill material into the waters of the United States.
2. **Section 10 Permit (The Rivers and Harbors Act)** - Construction of any dam, dike, or other structure or other work activity in navigable waters of the United States.

KENTUCKY'S ENVIRONMENTAL RELEASE REPORTING AND CLEANUP LAW

The 1992 General Assembly passed House Bill 540, which amended Kentucky environmental laws under KRS 224.877. Now 224.01-400, the law clarifies reporting and cleanup requirements for a release or threatened release of a hazardous substance, pollutant or contaminant, petroleum, or petroleum product. This law became effective July 14, 1992. The 1994 General Assembly passed a bill, which was later, codified as KRS 224.01-405, which requires characterization and corrective action in response to releases of petroleum or petroleum products. Under these provisions, certain actions are required in response to releases or threatened releases of regulated substances. These actions may consist of: immediate notification of a release, a written follow-up report, characterization, clean up, and other required actions.

What must be reported? Any spill, leak, discharge, dumping, or other “release” of any of the following classifications of substances in excess of a reportable quantity must be reported immediately.

- 1 **Hazardous substances** - Substances designated under the federal Superfund Act (CERCLA) and those extremely hazardous substances designated under Title III of the Superfund Amendments and Reauthorization Act (SARA) are to be reported according to quantities listed in the respective laws and regulations. Also reportable as a hazardous substance is any quantity of nerve or blister agents designated under KRS 224.50-130(1) D.
- 2 **Pollutants or contaminants** - A release or threatened release of any element, substance, compound, or mixture into the environment in a quantity that may present an imminent or substantial danger to the public health or welfare is reportable.
- 3 **Petroleum or petroleum products** - Any release including a fuel, oil, or lubricant in excess of 25 gallons within a 24-hour period must be reported. The reportable quantity of diesel fuel is 75 gallons or more in a 24-hour period. However, any release that causes a visible sheen or that violates any other provision of Section 311 of the Clean Water Act must be reported.

Who must report? Any person possessing or controlling a regulated substance must immediately report a release or threatened release covered by this law. This law affects any person, trust, firm, Joint Stock Company, corporation (including a government corporation), partnership, association, federal agency, state agency, city, commission, county, transporter, or any interstate body. Any release that must be reported to a federal agency must also be reported to the Kentucky Department for Environmental Protection.

How are reports to be made? All reports must be made immediately to the 24-hour Environmental Response telephone number: (502) 564-2380 or (800) 928-2380 (to be used only

for emergencies and spill reporting required by law). A written follow-up report may be required by the Cabinet and must be submitted within seven days of the Cabinet's demand. The report must contain information such as:

- The precise location of the release;
- The name, address, and phone number of the person in charge at the time of the release, persons knowledgeable of the release, and a contact person for additional information;
- The concentration and quantity of the release;
- The circumstances and cause of the release;
- Efforts taken to control or mitigate the release;
- Any harmful effects of the release;
- Where the release occurred and the potential for movement away from the site;
- Any present or proposed action at the site to correct the release or its effects; and
- Any other information that may assist in the response at the site.

What are the clean-up requirements? Once a release has occurred, even if it is less than reportable quantity, the responsible person must characterize the full extent of the release and determine its effect on the environment and correct the effect of the release on the environment. For releases that exceed the reportable quantity, the cabinet must approve site characterization and remedial actions. The cabinet may require submittal of the demonstration of characterization and remediation on releases of less than a reportable quantity.

For questions concerning the Environmental Release Reporting and Cleanup Law, write to the Department for Environmental Protection, Release Reporting Information, 14 Reilly Road, Frankfort, KY 40601 or call (502) 564-6716.

State Fire Marshal's Office. Division of Fire Prevention office of housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601. (502) 573-0365. This office is responsible for the prevention of fire or explosion arising from the storage, handling, or use of substances, materials, or devices or the use of a building.

Division of Building Codes Enforcement. Office of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort Kentucky 40601. (502) 573-0373. This office is responsible for reviewing plans and specifications, issuing permits, and making inspections to determine compliance with the Kentucky Building code.

Kentucky Emergency Response Commission. Division of Disaster and Emergency Services, Department of Military Affairs, Boone National Guard Center, Frankfort Kentucky 40601, (502) 564-8660. The Kentucky Emergency Response Commission is responsible for implementing the federal Emergency Planning and community Right-to-Know Law (otherwise known as SARA Title III) in Kentucky. See next page for outline of requirements under this law.

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION PERMIT
APPLICATION ORDER FORM**

DIVISION FOR AIR QUALITY

- Application to Construct or Operate an Air Contaminant Source (9/92) - DEP 7007 Series
- Ten-Day Notification Form (Asbestos Removal) (1/91) - DEP 7036

DIVISION OF WASTE MANAGEMENT

Applications for Solid Waste Disposal Site:

- Contained Landfill - DEP 7061, 7062, 7087, and 7069A
- Construction/Demolition Debris Landfill - DEP 7061, 7062, 7087, and 7069B
- Residual Landfill - DEP 7061, 7062, 7087, and 7069C
- Land farming Facility - DEP 7065 and 7064
- Application for a Registered Permit-by-Rule - DEP 7059
- Registered Permit-by-Rule Solid Waste Composting - DEP 7059A
- Registered Permit-by-Rule Land farming Class I Sludge - DEP 7059E

Applications for Special Waste Site or Facility:

- Landfill Permit - DEP 7094A and 7094J
- Land farming - DEP 7021A, 7021B, and 7094J
- Composting - DEP 7021A, 7094D, and 7094J
- Registered Permit-by-Rule Sludge Giveaway - DEP 7059D
- Registered Permit-by-Rule Beneficial Re-Use - DEP 7059F
- Registered Permit-by-Rule Storage and Treatment of Processed Special Waste - DEP 7059G
- Registered Permit-by-Rule One Acre or Less Construction/Demolition Debris Landfill - DEP 7059H

Hazardous Waste Application Forms:

- Notification of Hazardous Waste Activity - DEP 7037
- Notification of Hazardous Waste Transportation Activity - DEP 7053
- Part A Application for a Hazardous Waste Facility Permit - DEP 7058A
- Hazardous Waste Annual Report - DEP 7072-91
- Hazardous Waste Assessment Return - DEP 7070
- Request to be Removed from Hazardous Waste Handler List - DEP 7086
- Notification of Minor Modification to Permits Not Requiring Prior Approval - DEP 7092
- Annual Registration of Hazardous Waste Activity - DEP 7050

Other Division of Waste Management Application Forms:

- Notification for Underground Storage Tanks - DEP 5024
- Notice of Intent to Permanently Close Underground Storage Tank(s) - DEP 5025
- UST Closure Assessment Report - DEP 4058
- UST Site Check Report Checklist Form
- UST Final Site Investigation Report Review Checklist Form

- UST Classification Guide Form
- UST Permanent Closure Checklist Form
- Voluntary Environmental Remediation Program (VERP)-DEP 6059

DIVISION OF WATER

KPDES Application Forms to Construct/Operate a Wastewater Facility:

- Municipal Wastewater Discharges - Forms 1 and A
- Animal Waste Management - Forms 1, B, and DEP 7032B
- Manufacturing Establishments and Mining - Forms 1 and C
- Services, Wholesale and Retail Trade, and All Other Establishments - Form 1 and Short Form C
- Application for Storm water Discharges - Form 1 and EPA Form 2F

Other Division of Water Application Forms:

- Application for No Discharge Operational Permit - DEP 7033
- Application for Permit to Construct Across or Along a Stream
- Dam Construction Permit Application Data Sheet - DEP 7016
- Wild Rivers Utility Right-of-Way Construction Permit Application - DEP 7089
- Wild Rivers Property Owners Change of Use Application - DEP 7088
- Application for a Permit to Withdraw Water
- Oil and Gas Facilities - Registration and Application Forms
- Facilities Construction Branch Sewer Line Application Form - DEP 7071
- Application for Water Quality Certification - DEP 6046

Mailing Address:

Name: _____

Company: _____

Street Address: _____

City, State, ZIP: _____

Telephone Number: _____

E-Mail _____

USEFUL FREE PUBLICATIONS

ENVIRONMENTAL ISSUES, REGULATIONS, AND PUBLICATIONS

Newsletters:

- **Land, Air and Water**, published quarterly by the Environmental and Public Protection Cabinet to provide information on environmental issues and the cabinet's programs and services. To be placed on the mailing list contact: Editor, *Land, Air and Water*, EPPC, 5th Floor, Capitol Plaza Tower, Frankfort, KY 40601.
- **The Waste-Line**, published quarterly by the Kentucky Pollution Prevention Center to provide information on waste reduction to Kentucky businesses and industries. To be placed on the mailing list contact: Kentucky Pollution Prevention Center, 419 Academic Building, University of Louisville, Louisville, KY 40292 or call (502) 852-0965 or outside the Louisville area, (800) 334-8635.
- **Kentucky's Environment**, published monthly by the Kentucky Environmental Quality Commission to provide information on environmental issues and notice of the date, time, place and agenda for the Commission's monthly meeting. To be placed on the mailing list contact: Environmental Quality Commission, 14 Reilly Road, Frankfort, KY 40601 or call (502) 564-2150.
- **Kentucky's Energy Digest**, published quarterly by the Kentucky Division of Energy to provide information on energy efficiency and renewable energy. To be placed on the mailing list contact: Division of Energy, 691 Teton Trail, Frankfort, Ky. 40601 or call (502) 564-7192.
- **Updates of the U.S. Environmental Protection Agency's Asbestos and Small Business Ombudsman**, published about twice a year to provide information to small businesses on federal environmental legislation and regulations. To be placed on the mailing list, write to Karen Brown, Asbestos and Small Business Ombudsman, U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460 or call (800) 368-5888.

Documents:

For the following documents, contact Division of Water, 14 Reilly Road, Frankfort, KY 40601 or call (502) 564-3410.

- *Constructing Sanitary Sewage Treatment Facilities*, December 1991, and *Constructing Industrial Wastewater Treatment Facilities*, December 1991 - Provides answers to questions often asked about the permit requirements and the procedures for obtaining permit to construct either a sanitary sewage or industrial wastewater treatment facility.
- *1997 Training Catalog for Water Treatment, Water Distribution and Wastewater Treatment Plant Operators*, January 1997 - Provides information on the qualifications for certification,

registration, and application procedures for certification, 1997 training topics, locations and dates, certification exam locations and dates, license renewal procedures, and all applicable forms.

For the following documents, contact Division of Waste Management, 14 Reilly Road, Frankfort, KY 40601 or call (502) 564-6716.

- *Handbook for Hazardous Waste Generators*, July 2002 - Provides an explanation of the requirements found in the Kentucky Hazardous Waste Management regulations. We also offer a web page titled “*Fact Sheet for Hazardous Waste Generators*” at <http://www.waste.ky.gov/programs/hw/Fact+Sheet+for+Hazardous+Waste+Generators.htm> and one page centers fold pullout sheet at <http://www.waste.ky.gov/NR/rdonlyres/18CBCCC1-8439-473A-BDAE-C6ABAAC18C/O/CenterfoldPullout.pdf> that provides EPA codes for the different types of hazardous waste generated by small quantity generators.

Underground Storage Tank Systems: The Underground Storage Tank Branch has a Web site at <http://www.waste.ky.gov/programs/ust/default.htm> that includes a Frequently Asked Questions page at <http://www.waste.ky.gov/programs/ust/FAQs.htm> that includes basic requirements.

For the following documents, contact Department for Environmental Protection, Commissioner’s Office, 14 Reilly Road, Frankfort, Kentucky 40601 or call (502) 564-2150.

- *Department for Environmental Protection Directory* - Provides an explanation of the responsibilities of the divisions and branches within the department and lists contacts for information and help.